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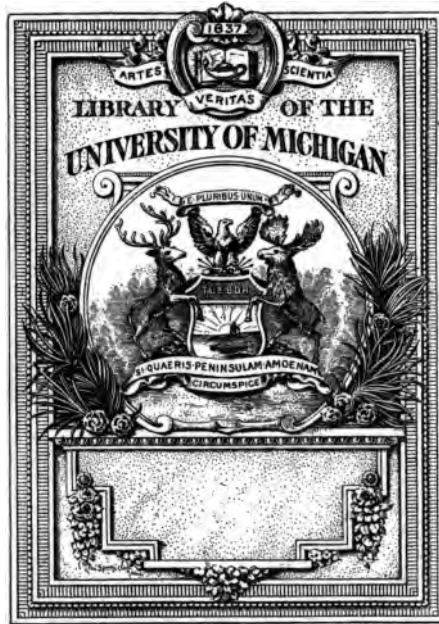
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THE AMERICAN SPIRIT

1840



Oscar P. Strauss

1. The first part of the paper is devoted to the study of the asymptotic behavior of the solutions of the system of equations

$$\begin{aligned} \dot{x} &= -x + y, \\ \dot{y} &= x - y, \end{aligned} \quad (1)$$

$$\begin{aligned} x &= 0, \\ y &= 0, \end{aligned} \quad (2)$$

where x and y are the coordinates of the point in the phase plane.

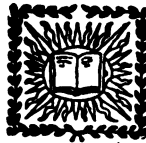


THE AMERICAN SPIRIT

BY

OSCAR S. STRAUS

Author of "The Origin of Republican Form of Government in the United States," "Roger Williams, the Pioneer of Religious Liberty," etc.



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1913

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**DEDICATED
WITH AFFECTION AND ESTEEM
TO
BENJAMIN FRANKLIN EINSTEIN, Esq.,
A PROFOUND JURIST, A WISE COUNSELLOR
AND A TRUE FRIEND**

O. S. S.

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PREFACE

The essays and addresses that compose this volume I have entitled "THE AMERICAN SPIRIT," because they illustrate different phases of that spirit in our economic and national life and international relations. The problems that present themselves to each generation vary with the tendencies of the times. While our age is dominantly commercial and industrial, it should be our care to regulate and guide the forces of development so that they shall be subordinate to the unchanging principles of our democratic institutions and so that they shall not narrow, but widen, the highways of opportunity for the average man, woman and child of this and the coming generations. The equality of political rights will not conserve the stability of our institutions and promote the happiness of our people unless the gateway to economic betterment remains wide open to industry and thrift.

I desire to express my appreciation to my esteemed friend, Dr. Rossiter Johnson, for his valuable suggestions and for his aid in reading the proofs of this volume.

OSCAR S. STRAUS.

THE AMERICAN SPIRIT

THE AMERICAN SPIRIT

I

THE AMERICAN SPIRIT

ONE hundred and eighty years have passed since the birth we are commemorating to-day (Washington's), yet what is that period but a brief span in the march of mankind? We are especially blessed in the fact that our entire history is an open and legible book, the records of which are not blurred by age or mystified by tradition. The lives of the fathers are set in frames of reality, and as long as we keep fresh their memories they will guide us in our patriotic efforts to steer the Ship of State by the light of their experience, their wisdom and their foresight. There is a story of an Irish visitor to the British Museum, who touched his hat to the statue of Nero; he said in explanation that he was afraid the old fellow might come in power

again. To-day we reverently touch our hats to Washington with the hope and prayer that he may remain in power from generation to generation.

Each generation has its own problems to face, and upon the correctness of their solution depends the stability and welfare of the State. The trials of adversity fell upon the fathers; the trials of prosperity are ours. It was theirs to lay the foundations of liberty under popular government; it is ours to preserve it under the ever-changing conditions that confront the march of civilization. Since the day when Washington, by the unanimous choice of the representatives of the nation, was elected as the first Chief Executive of the Republic, we have grown in population from fewer than four millions to ninety-six millions on this continent, exclusive of our island possessions, and in territory from thirteen sparsely settled States along the Atlantic seaboard, to a realm reaching from ocean to ocean, and from the Great Lakes to the Gulf. We have multiplied the power of man a hundred-fold by steam, electricity, and water, multiplied the productivity of the earth, and lengthened the years of life by searching out

the causes of disease and providing against them. These and countless others are the triumphs of the past hundred years, most of them within the lifetime of many who are still active in striving and hopefully looking for additional adaptation of the forces of nature to the uses of man.

One of the chief concerns of man in all ages and climes has been the development of a system of civil society to unite men under some form of orderly administration or government for security or for aggression. Under all systems—whether under chiefs, tyrants, oligarchs, kings, emperors, or czars, whether as tribes, clans, states, or nations—the liberty and welfare of the individual have been largely sacrificed or subordinated to defensive or offensive purposes, for the glorification or the security of rulers, dynasties, and privileged classes.

The most fruitful causes of war have been race-hatred, national animosities, and religious hostilities. Church and State in every country, civilized and uncivilized, were so closely allied that they kept the world in constant antagonism, and made patriotism a cloak for persecution, and persecution a badge

for patriotism. Here in this city two hundred and seventy-six years ago, the crude but distinct foundations were laid upon which was first organized a political community that not only separated Church and State, but secured to every member thereof absolute liberty of conscience. "Thou shalt love the Lord thy God," and "Thou shalt love thy neighbor as thyself," were first rightly interpreted and righteously applied by a second Moses—the apostle of the American system of a free Church in a free State, the immortal Roger Williams. He consecrated this spot, this settlement of Providence, as "a shelter to the poor and the persecuted, according to their several persuasions," where "all men may walk as their conscience persuade them, every one in the name of his God." In the light of its development on this continent and elsewhere, this was the most beneficent contribution that any conqueror, king or emperor had made for the welfare of mankind in civil society in all history.

I do not hold that, but for Roger Williams and the Rhode Island spirit of religious liberty, the guarantees under our State and Federal Constitutions would have been in any

respect different or less ample. It is, however, a fact that the spirit of Rhode Island, which promoted the material prosperity and spiritual happiness of the colony, exerted a wide influence on the other colonies, in convincing the people that the separation of Church and State did not lead either to civic anarchy or to freedom from religion, and it had an educational value in preparing the popular mind for the complete divorcing of Church and State, as the only polity in consonance with true democratic equality and the liberty of the individual. Religious tolerance in Roman Catholic Maryland and in the Anglican colony of Virginia, with its important body of dissenters, contributed materially to the same end.

From the foundation of religious freedom to the foundation of political freedom, from Rhode Island's Charter of Liberties to the Declaration of Independence, was but one hundred and thirteen years, yet they were years of wonderful growth and development for the ideals of freedom in a virgin soil. The little sapling that was rooted in Rhode Island had grown to a majestic oak whose branches spread over the thirteen States, typifying in

its strength and grandeur that religious and civil liberty are one and inseparable. The War of Independence was inspired by the distinct hope and purpose to enlarge and secure individual freedom, and that hope was by wise men, with prophetic statesmanship, developed into a reality in the charter of our confederated unity, the Constitution of the United States, whose preamble recites that it is adopted in order "to secure the blessings of liberty to ourselves and to our posterity." Unlike the republics of history, which were governments either of city-states or of circumscribed areas, or were undemocratic republics of aristocratic classes, it was reserved for our fathers to build a democratic republic for the equal rights of all men, and to rest its foundations upon the broad base of a common humanity. In order that democratic government might avoid the errors and escape the disasters of ancient republics and be applied to the government of a continent with an ever-growing population, the representative system was adopted for each unit and for the whole, so that the governing body became, as it were, a reduced photograph of the people in their individual and collective capacity.

Universal suffrage, like freedom of the will, has its pitfalls and dangers and accentuates the prophetic warning that "eternal vigilance is the price of liberty." At no time in our history has that vigilance been more incumbent upon the people of this country than now. We must not forget that at no time in history were the forms of government subjected to more careful study and analysis than by the fathers of our republic, and by the members of the Convention that debated and framed the Constitution. The republics of ancient and modern times were subject to dissection and most discriminating scrutiny, to discover the true causes of their decline and subversion; the Federalist is a monument to that study.

That popular government is subject to perversion and abuse, we fully recognize. We have constant reminders and examples abundant, none more prolific than in our municipal administration and in the corrupting powers of the "bosses" who enrich themselves by becoming the willing tools of predatory wealth, which gives them the means to purchase the elective power of the ignorant and the corrupt. This is not the fault of our democratic

system, but is directly due to the neglect on the part of the average citizen of his civic duties, so that the government, instead of being representative of the people's best interests, becomes a prey to a conspiracy against those interests. But at no time, and in no State where such abuses have arisen, have they been able to stand against the aroused public conscience of the electorate, which fact is itself the best proof that the fault does not rest with the system, but with the electorate pure and simple.

We refer with pride to our vast resources, our wealth, our population, our national greatness and potentiality. An extravagant indulgence in modesty and humility has never been an American characteristic; our patriotic fête days have stimulated a self-consciousness and a sense of reliance which, though severely criticized abroad, finds ample support in our achievements and in our history. So long as we keep alive the spirit that guided us in the past, and adapt it to problems that confront us, we need not fear our ability to find a solution that will make our greatness contribute to our true national grandeur. No greater calamity can befall a nation than

to cut itself off from all vital connection with its own past, as France did in her Revolution. We have freely received from all nations the immigrant and the refugee from persecution and intolerance, and have endowed him with the rights of man and incorporated him into our political system. These immigrants have found all our industries open to them, and our public schools free to their children, and whatever evils resulting from congestion their numbers may from time to time have caused, these are only temporary, they disappear in the great melting-pot of assimilation, and in a patriotic devotion to the blessings of American liberty.

We must not forget that the newcomers in every crisis of our history, in peace and in war, have contributed even beyond their quota to our economic welfare and to the support of the government. The War Department, in a memorandum issued in 1905, estimated that the total number of persons enrolled in the military and naval service of the United States during the Civil War was 2,213,365; and of this number, according to the deduction made in 1908 by O. P. Austin, Chief of the Bureau of Statistics, from all available

data, the percentage of persons of foreign birth was not less than 20 and not more than 25. Therefore the total number of persons of foreign birth in the Federal service during the Civil War was approximately a half million. President Lincoln in his messages referred repeatedly with gratitude to the great help that the newcomers rendered the country, and in his annual message of 1864 he said, "I regard our immigrants as one of the principal replenishing streams which are appointed by Providence to repair the ravages of internal war and its waste of national strength and health."

The American ideal of the freedom of the individual includes the right of migration. This was recognized from the beginning, and by the Act of July 27, 1868, which is incorporated in the Federal Revised Statutes, it is provided:

"The right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty and the pursuit of happiness. . . . Therefore any declaration, instruction, opinion, order or decision of any officer of the United States which denies, restricts, impairs or questions the right of expatriation is declared

inconsistent with the fundamental principles of the Republic."

As recently as December last (1911), in order to uphold and maintain the sanctity and solidarity of our citizenship at home and abroad, and to prevent arbitrary discrimination by Russia against certain classes of our citizens on the basis of race, and against other classes on the basis of religion, contrary to the express terms of our commercial treaty of 1832, our Government gave notice to Russia of its termination, thus emphasizing our historic position, and declaring that wherever human and material interests conflict, we place human rights above property, "the man above the dollar."

We are a commercial nation, but not a commercialized people. The American spirit in peace and war is a spirit of liberty and humanity. No war, with the possible exception of our war with Mexico, was ever begun by us except to vindicate human rights. For this we entered upon war with Great Britain in 1812, the Civil War of 1861, and the war with Spain in 1898. To secure these rights in peace and friendship, we were foremost among the nations to advance the cause of ar-

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bitration, and in the establishment of the Hague Tribunal; under the inspiration and leadership of President Taft, we have negotiated treaties of arbitration for all international differences, including questions of honor and of vital interests, with Great Britain and with France. Far greater and more lasting will be our glory and our services rendered to mankind than the decisive battles of the world shed upon the victorious nations, if we falter not in the conclusion of these treaties, thereby leading the way in bringing the nations from the horrors of war, under the majesty of the Law. Then verily, as Sumner prophesied, will it become true that "The example of the United States will be more puissant than army or navy for the conquest of the world."

To sum up in conclusion the great epochs of our history from the earliest times to our day, these have been, the establishment of religious liberty, the securing of our political independence, the formation of a Confederated Republic under a written constitution, the abolition of slavery and the preservation of the Union, the vitalization of the principles of social justice, and our leadership in pro-

moting arbitration, the pathway to peace among the nations. These are the glorious contributions that our country has made to the welfare of her people and of mankind.



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II

HUMANITARIAN DIPLOMACY OF THE UNITED STATES

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HUMANITARIAN DIPLOMACY OF THE UNITED STATES

AS the nations come into closer contact by reason of the rapidity of inter-communication and the growth of international interests, political and commercial, the meaning of the phrase "family of nations" assumes a more real significance, and in a progressing degree the welfare of each is bound up with the welfare of all. "World politics" exerts more and more influence and control over the relations of nations. Independence, in international law, signifies that each sovereign state has complete liberty to manage its affairs externally and internally, as it may wish. While this is the general theory, as a matter of fact international relations are primarily controlled by national interests modified by the collective obligations of each nation to all the others. National independence, like personal liberty, is not in fact unrestricted, but is a condition modified and limited by the rights and

interests of other independent states. The highest law of nations is self-preservation, and in order to protect and conserve its national entity, a state is justified in going to war, and, as the greater includes the lesser, to intervene in the affairs of other states to control their external as well as internal affairs, if its own sovereignty is menaced, or its vital interests are in jeopardy.

This intervention may take many forms, and has varying degrees. In its extreme form it implies the ultimate and even the immediate use of force, dependent upon circumstances. It may be mandatory or dictatorial. In its lesser forms it assumes the right to interfere with the action of another state, be that action within the state itself or in its relations with other states. A distinction is drawn, and properly so, between intervention—or dictatorial interference in the relations of other states, or in the domestic affairs of another state contrary to its will—and the right of intercession, to protest against action or contemplated action, to make a tender of good offices, to act as mediator, to express sympathy for the suffering, et cetera. In fact, the chief function of diplomacy is, by timely pro-

test, by mediation, or by the tender of good offices, and by the exercise of those functions which, for the lack of a better term, may be called diplomatic as distinguished from mandatory or dictatorial intervention, to prevent a condition which, if not checked or adjusted, might provoke serious international irritation and possibly induce active intervention and war. The grounds for intervention depend upon circumstances, upon international interests, and upon the enlightened public opinion of the civilized world. In other words, intervention is by right when it is necessary for self-preservation; and secondarily, since the European "balance of power" was devised to prevent or hold in check the preponderance of any single power, it is agreed by the public law of European states that the right of intervention exists to maintain this status. As distinguished from intervention by right, there are instances where intervention is justified by the enlightened sentiment of the civilized world. Under this head may be classed the interventions for the preservation of the Ottoman Empire, or to prevent its dismemberment in the interest of separate groups of European powers.

There is another class of cases for which intervention is not recognized as strictly an international right, but where it is justified "by a high act of policy above and beyond the domain of law,"¹ especially if such intervention is free from the suspicion of self-interest and is not used as a cloak for national ambition, but undertaken solely and singly in the interest of humanity for the purpose of ending revolting barbarities, inhuman oppressions or religious persecutions.

The object of this paper is to review so much of the diplomatic history of the United States as directly concerns questions of humanity, where our government has made remonstrances, formulated protests, or appealed to enlightened public opinion in the interest of humanity, to put an end to oppression and religious persecutions. No nation has taken a more positive stand upon the principle of non-intervention than has the United States from its foundation, on frequent occasions. This principle was developed into a policy by Washington, notwithstanding our alliance with France, and was emphasized in his Farewell

¹ Historicus, *Letters on Some Questions of International Law*.

Address. Yet no nation has stood more firmly upon the right of expatriation and the protection of its citizens, native-born and naturalized, in foreign lands, than our own, which protection has again and again been exercised in behalf of naturalized citizens who, on their return to the country of their origin, have been subjected to pains and penalties imposed chiefly because they had emigrated and become naturalized in the country of their adoption without first obtaining the consent of their country of origin. From the many definitions of our statesmen since Jefferson expounded the American doctrine of citizenship and expatriation, I quote that of former Attorney-General Caleb Cushing, in an opinion given in 1873, wherein he said:

The people of the United States are composed of emigrants from Europe, most of whom expatriated themselves in order to escape oppression, or, if you please, legal impediments to personal action in countries of their birth, and many of whom were the actors and victims of revolutions or of civil wars. . . . The doctrine of absolute and perpetual allegiance—the root of the denial of any right of emigration—is inadmissible in the United States. It was a matter involved in and settled for

us by the Revolution which founded the American Union.²

In 1859 Mr. Cass, the Secretary of State, in his instructions to our Minister to Prussia, said: "The moment a foreigner becomes naturalized, his allegiance to his native country becomes severed forever. He experiences a new political birth. . . . Should he return to his native country, he returns as an American citizen and in no other character." The American doctrine of expatriation was greatly strengthened and expressly adopted by the conclusion of naturalization treaties with the principal European nations, beginning with the Bancroft treaties of 1868 with the North German Union. This was followed by the Act of Congress of July 27, 1868 (Revised Statutes §§ 1999, 2000, 2001), by which the right of expatriation was declared to be an inherent right of all people, and that naturalized citizens of the United States while abroad should be entitled to receive the same protection of person and property that is accorded to native-born citizens. It was further declared that whenever any citizen was unjustly

² Foreign Relations, 1873. Part II, 1353.

deprived of his liberty under the authority of any foreign government, it should be the President's duty forthwith to demand of such government the reasons for the imprisonment, and if it appeared to be wrongful and in violation of the rights of American citizenship, forthwith to demand the release of such citizen, and, if the release was unreasonably delayed or refused, to use such means, not amounting to acts of war, as might be necessary and proper to obtain such release, and then to communicate all the facts and proceedings to Congress.

This American doctrine of expatriation, coupled with our liberal laws of naturalization, under which we freely received the emigrants from other countries, incorporated them into our body politic and endowed them with the rights of citizenship, naturally had the effect of more directly arousing our sympathies for the oppressed, especially in lands from which refugees have come, and to which after naturalization some return attracted by the suffering of relatives and friends, becoming involved in revolution or in efforts to ameliorate conditions, and thereby bringing us into direct relations with political

and religious oppression in countries where such unfortunate conditions prevail. The diplomacy of humanity, to a large extent growing out of such and similar circumstances, has made a stronger appeal to our sympathies and had a wider application in our relations than in the foreign relations of other countries. Another class of cases grow out of the fact that for seventy years some of the largest American Protestant denominations have maintained in Oriental countries religious, medical and educational missions, which by reason of their work and sympathy for their converts, become involved in the chronic disorders in such lands and have to appeal to their government for protection and redress for the loss of life and destruction of property, so that on numerous occasions, when diplomacy failed, protection and redress could be obtained only by a display of naval force.

Upon strict legalistic principles it is very doubtful whether humanitarian intervention can be justified, but international relations are not wholly controlled by the principles of law. A large element of the popular conscience at times enters into those relations and shapes the action of states. Hall says:

The opinions of modern international jurists who touch upon humanitarian intervention are very various, and for the most part the treatment which the subject receives from them is merely fragmentary, notice being taken of some only of its grounds, which are usually approved or disapproved of without very clear reference to a general principle.*

One of the earliest incidents in our diplomatic relations which appealed to the classic imagination and humanitarian sympathies of our people was the war of the Greeks for independence from the Turkish yoke. Resolutions of sympathy and for aid were presented by Members of Congress from Massachusetts and New York in behalf of committees of citizens from those States, but the House took no action thereon. President Monroe, in his annual message of December 3, 1822, expressed the hope that the Greeks would recover their independence, and referred to the sympathy in their favor throughout the country. Similar reference was made in his annual message the following year. John Quincy Adams, in his annual message of 1825, referred to our sympathy in their war, and hoped for their success, and in his annual mes-

* Hall, 3rd edition, p. 288, note.

sage of 1827 he informed Congress that "the sympathies which the people and Government of the United States have so warmly indulged with their cause have been acknowledged by their government in a letter of thanks."

The next notable instance which made an appeal to the humanitarian sympathies and liberty-loving sentiments of the people of the United States grew out of the Hungarian Revolution of 1848 and commiseration for Kossuth and his associates, who, having escaped to Turkey, were held in captivity there. On March 3, 1851, both Houses of Congress passed a resolution requesting the President to authorize the employment of a public vessel to convey the captive refugees to this country. President Fillmore, in his annual message, referring to the grateful acknowledgments Governor Kossuth had expressed of our government's interposition in behalf of himself and his associates, said that "this country has been justly regarded as a safe asylum for those whom political events have exiled from their own homes in Europe," and recommended to Congress to consider in what manner Kossuth and his compatriots brought here by its authority should be received and

treated. On Kossuth's arrival, he was presented by Mr. Webster, Secretary of State, to the President and was received by the Senate and the House, and afterward he was officially entertained at the Executive Mansion and banqueted by the House.

It was soon made apparent that Kossuth's purpose in coming here was to induce our government to give its moral and material aid to renew the struggle for Hungarian independence, though Mr. Webster and the President made it clear that our government would not depart from the traditional policy of not interfering in the affairs of other nations. Notwithstanding our refusal to meet the hopes and wishes of the Hungarian patriot, whose masterly oratory and picturesque appearance aroused the admiration and enthusiasm of many of our foremost men, this fact and the hope that was widely expressed for Hungarian independence so offended the Austrian *Chargé*, Hülsemann, that he addressed a note to Secretary Webster protesting against the honors shown to Kossuth by our government and its citizens, and especially against the latter's speech at the Congressional banquet. To this Webster made no reply, and thereupon

the *Chargé* laid his protest before the President, whereupon he was informed by the Secretary of State that the government would hold no further personal intercourse with him, and that he must confine himself to written communications. In answer to this notice he addressed a note to Secretary Webster declaring that his government would not permit him to remain here longer "to continue in official intercourse with the principal promoters of the much-to-be-lamented Kossuth episode."

One would search the world's history in vain to find a more striking example of a war undertaken by any nation from motives more singularly humane and free from selfish interests and purposes than our war with Spain. President McKinley, in his special message to Congress of April 11, 1898, after reviewing the insurrections and revolutions in Cuba against the dominion of Spain during the past fifty years, and recounting the cruelties and barbarities which shocked the sensibilities and offended the humane sympathies of our people, recommended forcible intervention as a neutral to stop the war "according to the large dictates of humanity." The grounds set forth by him justifying such intervention

were summarized, the first and main one being, to quote his words: "In the cause of humanity and to put an end to the barbarities, bloodshed, starvation, and horrible miseries now existing there, and which the parties to the conflict are either unable or unwilling to stop or mitigate." Congress in its joint resolutions which authorized the war, after referring to the humane considerations that prompted them, expressly disclaimed any intention or purpose to exercise any other power or control in Cuba except for pacification, and when this was accomplished, to leave the government and control of the island to the people therein. Subsequent events have verified and accentuated in every respect the unselfish purposes and humane motives which prompted our government and people in the making of that war.

Our humane diplomacy in the past sixty years has many times been extended in all Mohammedan countries, as well as in China and Japan, for the protection of our missionaries, and the good offices of our consular and diplomatic officials have been employed in behalf of converts and other native Christians. Such good offices, when tendered, were not ex-

exercised as a right but in the interest of humanity and to preserve good relations. We have, however, refrained from going to the length of the European powers, who, by a system of *protégés*, extend their protection even to natives of such countries in the interest of commerce as well as of humanity.

In 1840, in the Presidency of Van Buren, occurred the massacres of Jews in Damascus and in the island of Rhodes. Although the life of no American citizen was involved, Secretary of State Forsyth, by direction of the President, instructed our Minister at Constantinople, David Porter, to intercede with the Sultan to prevent or mitigate the horrors. He said: "The President is of opinion that from no one can such generous endeavors proceed with so much propriety and effect as from the representative of a friendly power whose institutions, political and civil, place upon the same footing the worshipers of God of every faith and form, acknowledging no distinction between the Mohammedan, the Jew, and the Christian. . . . You will refer to this distinctive characteristic of our government as investing with a peculiar propriety and right the interposition of your good offices in behalf

of an oppressed and persecuted race, among whose kindred are found some of the most worthy and patriotic of our citizens."

No people have been oftener compelled to invoke the humanitarian diplomacy of civilized states than the Jews, because no people have, from time immemorial, by reason of race hatred and religious persecution, suffered as they have from inhumanity and oppression in every form and degree. The aid of our government has been more directly sought than that of other governments in recent years, because of the large immigration of refugees driven hither by restrictive measures, oppressions, and massacres in Roumania and Russia. President Harrison, in his annual message, December 9, 1891, referring to remonstrances made by our government to Russia because of the harsh measures, known as the May Laws, being enforced against the Jews, said:

The banishment, whether by direct decree or by not less certain indirect methods, of so large a number of men and women is not a local question. A decree to leave one country is, in the nature of things, an order to enter another—some other. This consideration, as well as the suggestions of humanity, furnishes ample ground for the remonstrances which we have presented to Russia.

President Roosevelt, in his annual message of December 4, 1904, referring to the remonstrances of our government by reason of the massacres in Kishinef and in a hundred other cities and towns in Russia, which so shocked the enlightened sentiment of the world, said:

Nevertheless, there are occasional crimes committed on so vast a scale and of such peculiar horror as to make us doubt whether it is not our manifest duty to endeavor at least to show our disapproval of the deed and our sympathy with those who have suffered by it. The case must be extreme in which such a course is justifiable. . . . The cases in which we could interfere by force of arms, as we interfered to put a stop to the intolerable conditions in Cuba, are necessarily very few. Yet it is not to be expected that a people like ours, which in spite of certain very obvious shortcomings, nevertheless as a whole shows by its consistent practice its belief in the principles of civil and religious liberty and of orderly freedom, a people among whom even the worst crime, like the crime of lynching, is never more than spasmodic, so that individuals and not classes are molested in their fundamental rights—it is inevitable that such a nation should desire eagerly to give expression to its horror on an occasion like that of the massacre of the Jews in Kishinef, or when it witnesses such systematic and long-extended cruelty and oppression as the cruelty and oppression

of which the Armenians have been the victims and which have won for them the indignant pity of the civilized world.

The Treaty of Berlin of 1878, which followed the Russo-Turkish War of the preceding year, had for its object the adjustment of the relations of the Balkan States, to free them from the Turkish yoke and at the same time restore the European balance. This treaty not only expressly recognized, but materially advanced the right of intervention in the internal affairs of other states and provided for extensive guarantees of a humanitarian nature. The independence of Montenegro, Servia, Bulgaria and Roumania were recognized by the great powers upon the express condition that there should be no religious discriminations, that all the subjects of the several states should be guaranteed the enjoyment of their civil and political rights, and that the citizens and subjects of foreign powers should be treated without distinction of creed on a footing of perfect equality.

The persecutions of the Jews in Roumania in 1902, and the large influx of impoverished refugees to our shores, shocked the enlightened sense and roused the humanitarian senti-

ments of our people. Secretary Hay, taking up the subject in his inimitable and masterly style, addressed an instruction to our minister to Roumania, for communication to that government, and at the same time forwarded it to our ambassadors to the several signatory powers to the Treaty of Berlin, with instructions to bring it to the attention of the governments concerned, with the hope that such powers would endeavor to induce the Government of Roumania to reconsider its oppressive measures and restrictive laws. After reciting the wrongs which the Jews were made to suffer, so repugnant to the moral sense of our enlightened age, he adds:

This government can not be a tacit party to such an international wrong. It is constrained to protest against the treatment to which the Jews of Roumania are subjected, not alone because it has unimpeachable grounds to remonstrate against the resultant injury to itself, but in the name of humanity. The United States may not authoritatively appeal to the stipulations of the Treaty of Berlin, to which it was not and can not become a signatory, but it does earnestly appeal to the principles consigned therein because they are the principles of international law and eternal justice, advocating the broad toleration which that solemn

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compact enjoins, and standing ready to lend its moral support to the fulfillment thereof by its consignatories, for the act of Roumania itself has effectively joined the United States to them as an interested party in this regard.⁴

Secretary Hay, in his instruction to our Minister to Roumania, discussing our proposed naturalization treaty with that country, said: "It behooves the state to scrutinize most jealously the character of the immigration from a foreign land, and if it be obnoxious to objection, to examine the causes which render it so. Should those causes originate in the act of another sovereign state, to the detriment of its neighbors, it is the prerogative of an injured state to point out the evil and to make remonstrance; for, with nations, as with individuals, the social law holds good that the right of each is bounded by the right of the neighbor. . . . The right of remonstrance against the acts of the Roumanian Government is clearly established in favor of this Government."⁵

Employment of the diplomacy of humanity, which has had so large a place in the for-

⁴ Foreign Relations of the United States, 1902, p. 45.

⁵ Ibid, p. 912.

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eign relations of our country, has been immeasurably facilitated, though not in direct terms, yet in the spirit of the provisions for the tender of "good offices or mediation" of the Hague Convention for the Pacific Settlement of International Disputes. These provisions, recognizing the closer ties uniting the family of nations, reversed their attitude from that of hostility to friendly reception of that form of intervention which comes under the designation above by providing that: "The exercise of this right [the offer of good offices or mediation] can never be regarded by either of the parties in dispute as an unfriendly act."

The enlightened sense of the world is the basis of international morality, and as that sense finds freer expression with the growth of public opinion and of parliamentary institutions, the forces of civilization in every land will supplant more and more the doctrine of expediency in international relations by the principles of morality and humanity, founded upon justice and righteousness.

III

AMERICAN COMMERCIAL DIPLOMACY

III

AMERICAN COMMERCIAL DIPLOMACY

FROM the beginning, our diplomacy, in its aim and purposes, was commercial as distinguished from political, and this necessarily gave it the character of sincerity and straightforwardness. After our independence was established and we entered upon life as an independent nation, our first concern was to negotiate treaties of amity and commerce. The first of these was our Treaty of Amity and Commerce with France (1778), by which France and the United States engaged mutually not to grant any favor to other nations in respect to commerce and navigation which should not immediately become common to the other party, who should enjoy the same favor. Historical accuracy compels me to say that the aid France extended to us in our Revolution did not arise exclusively out of sympathy with us or from sentiments of liberty; underlying, if not superinducing her generous assistance, the remembrance of which our national sense

of gratitude should ever cherish, there were substantial reasons of commercial interest. The Revolution, besides affording an opportunity of weakening an enemy, also held out the probability of breaking up the British monopoly of trade with the colonies, a trade which France hoped to divert to herself.

In 1780 the earliest opportunity presented itself to our country to join in a European coalition, the "Armed Neutrality," an agreement by means of which a convention was entered into between Russia, Denmark, Sweden, and Holland to protect neutral commerce; it defined contraband and declared that "free ships make free goods." The United States desired to take part in this concert, and sent Francis Dana to Russia, but Russia would not receive him, and our adhesion was most courteously rejected.

Washington, in his Farewell Address, outlining with statesmanly foresight our national policy, said:

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed

engagements, let them be fulfilled with perfect good faith. Here let us stop.

At this time (1796) events had fully justified the wisdom of this policy, which had been adopted by Washington against the opposition of Jefferson and Madison and their partizans, who, because of their sympathy with the French democracy, endeavored to identify the interest of our country with France in her wars against the allied powers and with her unbridled and infuriated democracy. Conditions rapidly developed which compelled Washington to take a decided step forward amid difficulties and perplexities which at the present day it is, perhaps, not possible to realize adequately and much less to measure; the young nation gave notice to the world that the United States was not to be a pawn on the chess-board of European politics, but would, in accordance with its independent position in the family of nations, follow its own best interests in accordance with its principles of international equity and justice.

The conditions referred to were the overthrow of the French monarchy and the excesses of the French Revolution, and the com-

ing to this country of a Minister from the French Directory, Genêt, who, upon his arrival at Charleston, appealed to the public opinion of the country, enlisting men, equipping vessels, and commissioning privateers, as if the United States were a colony or a dependency of France. The crisis he provoked became so intense that it created a distinct division even in Washington's Cabinet, and it was found imperatively necessary for the President to suspend the functions of Genêt and demand his recall and to issue a proclamation of neutrality embodying the highest ideals of international text-writers, far in advance of that doctrine of expediency which then controlled the practices of nations. Hall, one of the foremost of the recent authoritative writers on international law, says of it:

The policy of the United States in 1793 constitutes an epoch in the development of the usages of neutrality. . . . It represented by far the most advanced existing opinion as to what those obligations were. . . . In the main, however, it is identical with the standard of conduct which is now adopted by the community of nations.

The proclamation was characterized by the opposition as unwise and unjust in placing

Great Britain upon the same footing and giving her the same privileges as France. It cannot be denied that its immediate effect had disadvantages for us in restricting our commerce with European nations, including Great Britain as well as France. In the following year (1794) Congress passed our first Neutrality Act, which, in its main principles, as revised in 1818, guides the practice of civilized nations. This advanced position of neutrality, coupled with the independent attitude of the Washington administration, aggravated the opposition on the part of the maritime powers, none of whom entertained a friendly disposition toward us, and our efforts to negotiate treaties of commerce met with obstruction and delay. Discouraging as this condition was, yet the very causes that produced it subsequently aided us in negotiating more favorable treaties with the several powers than would otherwise have been possible. Trescott, in his *American Diplomatic History*, says:

Thus the treaty with England was yielded to the necessities of the conditions of hostility between England and France; the treaty with Spain was the result of the changed attitude of that power toward

England on the one side and France on the other; and the treaty with France depended upon the special relations which France at the moment wished to assume for her own purposes toward the other powers of Europe.

At the outbreak of the Revolution it was estimated that one-sixth of the wheat and flour exported from the United States, and one-fourth of dried and pickled fish, besides other products, found their best markets in the ports of the Mediterranean. This commerce had grown up under the protection of the British flag, and from eighty to one hundred ships were employed in it. When the war began, this commerce had to be entirely abandoned, and the commercial loss was severely felt. In the treaty of 1778 with France it was proposed by the negotiators, in accordance with the instructions given to them by the Continental Congress, that France should take the place of Great Britain as the protector of the American vessels; but the King of France would go no further than to agree to employ his good offices.

The Barbary powers, Morocco and the regencies of Tunis, Tripoli and Algiers, which for generations subsisted by depredations on

commerce, were known as the "Piratical States," and the European States, in order to protect their commerce, had their choice either of paying a certain sum per head to ransom each captive or of buying entire freedom for their commerce by expenditure of large, stipulated annual sums. In the treaty renewed by France in 1788 with Algiers she agreed to pay \$200,000 annually, besides large presents periodically. The peace of Spain with Algiers is said to have cost from three to five million dollars, and it is said upon good authority that England was paying an annual tribute of \$280,000. England was the only power sufficiently strong on the sea to put down these pirates; but she found it to her commercial advantage as mistress of the sea to leave them in existence and to pay a large annual tribute, so that they might remain a scourge to the commerce of other powers.

Lord Sheffield said in 1783, in his *Observations on the Commerce of the American States*:

It is not probable that the American States will have a very free trade in the Mediterranean. It will not be for the interests of any of the great maritime powers to protect them from the Barbary

States. . . . That the Barbary States were advantageous to the maritime powers is certain. . . . The armed neutrality would be as hurtful to the great maritime powers as the Barbary States are useful. The Americans cannot protect themselves from the latter; they cannot pretend to a navy.

It may be incidentally mentioned that these difficulties with Barbary gave us a navy. I need not here detail the account of our relations with the Barbary powers, which forms a well-known and glorious chapter in our diplomatic history.

When the new government under the Constitution was formed, Jefferson, as Secretary of State, declared the determination of the United States "to prefer war in all cases to tribute under any form." But a navy was wanting to make this declaration effective. By December, 1793, the number of American vessels captured by Algerian corsairs was thirteen, and the number of captives was one hundred and nineteen. The United States, urged on by the cry of the captives, whom it was then unable to rescue by force, accepted the conditions of the Dey, and by the expenditure of nearly eight hundred thousand dollars ob-

tained the release of its citizens and purchased a peace, which was signed on September 5, 1795. A treaty with Tripoli followed in November, 1796, and one with Tunis in August, 1797. In our treaty with Tripoli, concluded in the administration of Washington, we find a significant declaration, doubtless inserted to overcome the religious fanaticism of the Dey, and for the purpose of emphasizing the fact that our form of government was a civil commonwealth as distinguished from a monarchy where its church and state are united, or where the state is under the domination of an ecclesiastical hierarchy. The declaration referred to is in Article IX of the treaty and reads as follows:

As the Government of the United States of America is not in any sense founded on the Christian religion, as it has in itself no character of enmity against the laws, religion, or tranquillity of Mussulmans, . . . it is declared by the parties that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two countries.

Perhaps the idea was also to emphasize the strictly and exclusively commercial purpose intended to be served by the treaty. With

the omission of the introductory phrase a similar declaration was inserted in the treaty with Tripoli of 1805 and in the treaties with Algiers of 1815 and 1816.

During the seven years following the second peace with Tripoli the foreign relations of the United States were comparatively uneventful, but the feeling of hostility broke out again in 1812 when it became known that war between the United States and Great Britain was then imminent. An act was passed by Congress on March 3, 1815, "for the protection of the commerce of the United States against the Algerine cruisers." Two squadrons were ordered to the Mediterranean under Bainbridge and Decatur, and immediately upon their arrival on the scene they forced the Dey to sign a treaty by which it was declared that no tribute of any form or under any pretext should ever be required from the United States. Tripoli and Tunis were also admonished, and thereby, through the intrepid course of our navy, the Barbary pirates, after centuries of depredations on life and property, were taught to respect human rights, and the Mediterranean was made free to the commerce of the world.

I refer to but few of the leading incidents in our diplomacy affecting the rights of commerce, and I have purposely confined this review chiefly to such questions as advanced the freedom of commerce not exclusively for our country but for all nations. The efforts of the United States to secure for commerce the free navigation of rivers and seas began early in its history and has been persistently and successfully pushed forward upon the broad principles of international justice and equality among nations; in other words, our policy on land and sea has consistently been that of "the open door." Besides maintaining the freedom of the seas, the United States from the beginning contended for the free navigation of the natural channels that lead to the seas. In the advocacy of this international principle for the freedom of commerce, it was mainly instrumental in bringing about the abolition, in 1857, of the dues levied by Denmark on vessels and cargoes passing from the North Sea into the Baltic. Mr. Clay, as Secretary of State, in his protest against these dues and exactions had declared that "if a canal to unite the Pacific and Atlantic oceans should ever be constructed, the benefits of it ought not to be

exclusively appropriated to any one nation, but should be extended to all parts of the globe upon the payment of a just compensation or reasonable tolls.”¹

This principle is embodied in the Hay-Pauncefote Treaty for the neutralization of the Panama Canal. The free navigation of the St. Lawrence was secured for a limited period by the Reciprocity Treaty of 1854, and in perpetuity by the Treaty of Washington in 1871. In accordance with the same principles the United States endeavored to secure the free navigation of the Amazon, which in 1866 was voluntarily granted to all nations by the Emperor of Brazil. By a treaty with Bolivia in 1858 the Amazon and La Plata, with their tributaries, were declared to be, “in accordance with fixed principles of international law, . . . channels open by nature for the commerce of all nations.”

In 1821 the Emperor Alexander of Russia issued a ukase prohibiting foreign vessels from approaching, within less than one hundred Italian miles, the northwestern coast of America, from Bering’s Strait to the fifty-first degree of north latitude. The Russian

¹ John Bassett Moore’s “American Diplomacy,” pp. 81-82.

minister in Washington, in his note to our Government, made the additional claim of Russia's right of sovereignty over the whole northwestern part of the continent of America above that line. These negotiations regarding Russia's extraordinary claims aroused a great deal of bitterness and hostility throughout the country, until they were finally adjusted by the Convention of 1824. Madison, in writing to President Monroe in regard to the conclusion of this treaty, said:

The convention with Russia is a propitious event in substituting amicable adjustment for the risks of hostile collision. But I give the Emperor little credit for his consent to the principle of *mare liberum* in the North Pacific.

These negotiations are of the highest interest to us historically from another point of view, as in them expression was given to the main principles which soon came to be known as the Monroe Doctrine. A new Russian Minister, Baron de Tuyl, was sent over in the autumn of 1822. Mr. Adams wrote in his diary, "I find proof enough to put down the Russian Government, but how shall we answer the Russian cannon?" He declares that a

few days later the Russian Minister held a conversation with him and desired to know what instructions he had sent to Mr. Middleton, our Minister at St. Petersburg, and Mr. Adams says:

I told him specially that we should contest the right of Russia to *any* territorial establishment on this continent: and that we should assume distinctly the principle that the American continents are no longer subjects for *any* new European colonial establishments.

When maritime commerce was identified with piracy, and subsequently with disregard of neutral rights, it was continually a source of irritation and aggravated the militant spirit between nations; but with the growth of the modern industrial development and the extension of foreign trade, nations no longer find it profitable to be hostile to one another because of their prosperity. The commercial spirit, while it is competitive, is not a militant spirit, for in its final analysis foreign commerce rests upon mutuality, and a wealthy and prosperous nation is a much better customer than a poor nation. The commercial spirit, therefore, from enlightened self-interest, fav-

ors the promotion of prosperity in other nations. The only apparent exception to this modern spirit of commerce is to be found in relation to trade with Oriental nations, where there is a tendency on the part of the great powers to establish spheres of influence and to force special concessions and exclusive privileges, to the detriment of competing nations. America again has come to the forefront by insisting upon "the open door" in China and in other Oriental lands, in the furtherance of which it has consistently refrained from and protested against the policy of some of the great powers who seek to advance their political influence in order to obtain exclusive rights for their commerce, or who seek to establish exclusive commercial rights to promote their political influence. The American policy, which was so felicitously characterized by Secretary Hay as that of the "Monroe Doctrine and the Golden Rule," is an international policy of the highest equity and justice, and it should ever be our vigilant care that these two parallel purposes of our national policy in foreign affairs should not be so construed as to become incompatible in guarding our continental interests and our peaceful re-

lations with the nations of the world. This will be the responsible task of American statesmanship, requiring no less the highest wisdom than the calmness of patriotic restraint to guide our destinies aright in times of stress.

It is largely due to the vast extension of commercial intercourse between nations in our times, which rests upon reciprocity, that the standard of public morals has been lifted from the lower sphere of international expediency to the higher sphere of morality and law. As examples of this may be cited the abolition of the slave-trade and the more recent efforts, on the part of China in concert with the leading powers, to prohibit the cultivation and trade in opium except for legitimate medical use. The standard of international morality still continues to lag far behind the standard of commercial fair dealing within nations; the evidences of this are no more glaringly exhibited than in the exceptions in the laws of neutrality, which rest not on principle but on legal casuistry. As the law now stands, it is entirely lawful for the subjects of neutrals to supply belligerents with arms and ammunition, as well as, by public subscription or otherwise, to raise loans to aid belligerents;

yet the fact that such loans can be legally contracted makes war possible when otherwise either or both belligerents would be prevented by economic necessities from beginning a war, or, when begun, from prolonging it. The Russo-Japanese War would certainly have come to an earlier end if neither belligerent could have borrowed money from the subjects of neutrals. It requires no argument to prove that such acts are against the fundamental principles of neutrality; and when the standards of international morality advance a single step further such contraband commerce and loans will no longer be considered lawful. No more practical work can be undertaken in the promotion of peace than to hasten the day when the laws of neutrality shall be made to square with the principles of impartiality, justice, and morality.

IV

VENEZUELA AND THE MONROE DOCTRINE

THE Declaration of Independence, Washington's Farewell Address, and the Message of President Monroe containing the Doctrine called after his name, were three instruments in the history of these United States, neither of them a charter, or a constitution, or even laws, that yet have had a controlling influence upon the policy and destiny of the nation far beyond all public acts combined, with the single exception of the Federal Constitution. The patriotism and statesmanship of the fathers of the Republic formulated these several documents for the guidance and preservation of our institutions for all time to come.

Two cardinal principles have always controlled the relations of the United States with the governments of the world—the neutrality policy laid down by Washington, and the Mon-

roe Doctrine to guard the integrity and welfare of institutions on this continent. When President Monroe submitted the papers which called forth the Message to the author of the Declaration of Independence for his advice, Jefferson answered:

The question presented by the letters you have sent me is the most momentous which has ever been offered to my contemplation since that of Independence. That made us a nation; this sets our compass and points the course which we are to steer through the ocean of time opening on us.

The question so momentous, which Jefferson referred to, and which was also submitted by Monroe for the opinion of Madison, briefly summarized, grew out of the following circumstances:

In 1815 a treaty was entered into between the Emperors of Russia and Austria and the King of Prussia, not through the intermediation of ministers, but by themselves acting as absolute sovereigns. The objects of the league thus formed—called the “Holy Alliance,” thus bearing a benevolent and sacred aspect—were primarily to rehabilitate autocracy with *jure divino*, and secondarily to prevent the rise of and to overthrow free govern-

ment and dominate the world. Congresses were held at Aix-la-Chapelle, Troppau, and Laybach, for concentrating and extending the powers of the allies and putting their objects into operation. Liberal movements were forcibly suppressed in Piedmont and Naples in 1820, and the system of armed intervention was adopted in the affairs of other states, in order to suppress free institutions and to strengthen monarchical government, without regard to the immediate interests of the states composing the Alliance. In October, 1822, the allied sovereigns assembled at Verona and formulated measures for the suppression of the revolution in Spain. In April, 1823, France undertook to apply the principles of the allies by invading Spain for the purpose of overthrowing the constitution of the Cortes and restoring absolute monarchy under Ferdinand VII. The British government protested against this interference, disclaiming for itself, and denying to other powers, the right of requiring any change in the internal institutions of an independent state.

The allied powers, having gone forward in their plan to suppress popular government, purposed to transfer their intervention to

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our hemisphere, a result of the relations of France and Spain and their attitude toward the South American colonies then at the approaching end of their successful struggle for independence. Canning, the British Prime Minister, in August, 1823, had a conference with our Minister, Rush, with the view of sounding our government as to what action it would take against such threatened intervention by France, laying stress on the commercial interests of Great Britain and the large portion of maritime power which his government and ours shared between them. This conference was followed by a note addressed by Canning to Rush, wherein he writes:

Is not the moment come when our governments might understand each other as to the Spanish-American colonies? And if we can arrive at such an understanding, would it not be expedient for ourselves, and beneficial to all the world, that the principles of it should be clearly settled and plainly avowed?

And then he sets forth Great Britain's attitude in detail: that he regards the recovery of the colonies of Spain as hopeless; that she does not aim at the possession of any portion herself, and could not view their trans-

fer to any other power with indifference. He continues:

If there be any European power which cherishes other projects, which looks to a forcible enterprise for reducing the colonies to subjugation, on the behalf or in the name of Spain, or which meditates the acquisition of any part of them to itself, by cession or by conquest, such a declaration on the part of your government and ours would be at once the most effectual and the least offensive mode of our intimating our joint disapprobation of such projects. . . . Nothing could be more gratifying to me than to join with you in such a work, and I am persuaded there has seldom, in the history of the world, occurred an opportunity where so small an effort of two friendly governments might produce so unequivocal a good and prevent such extensive calamities.

Our government, which before this time had formally acknowledged the independence of the Spanish-American states, received this overture of the British Prime Minister with all the deliberation that the importance of this step demanded. President Monroe did not adopt the proposal for a joint declaration. He maintained that the public policy of the United States, which held it aloof from intervention in the affairs of European powers,

necessarily implied European non-intervention in the affairs of this hemisphere, and he embodied this principle in his Message of December 2, 1823. After declaring that it was our policy not to interfere with the internal concerns of European powers, and referring to the contemplated interference by the "Holy Alliance," he said, in language which has gone into history as the "Monroe Doctrine," of our continental policy:

With the movements in this hemisphere we are, of necessity, more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. . . . We owe it, therefore, to candor, and to the amicable relations existing between the United States and those [European] powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. . . . With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifes-

tation of an unfriendly disposition towards the United States. . . . It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference.

This policy, far from being arbitrary, embodies the golden rule of international relations, as it concedes to the nations of the other continents the rights we demand on the American continent. Instead of producing war, it was a harbinger of peace; it not only hastened the independence of the struggling colonies on this hemisphere, but it also relieved Europe from the terrors of absolutism of the "Holy Allies." In England the Message was hailed with joy and enthusiasm; her statesmen extolled it in unmeasured terms. Brougham referred to it as an event "than which none has ever dispersed greater joy, exultation, and gratitude over all the freedom of Europe." Canning, in his justifiable pride for his share in the circumstances which called forth the Message, said: "I called the New World into existence to redress the balance of the Old."

The Doctrine so formulated by Monroe, expounded by Adams, and counseled by Jefferson and Madison, said Secretary Frelinghuysen in his instructions to Lowell (May 8,

1882), "has since remained a cardinal principle of our continental policy. . . . It is not to be anticipated that Great Britain will controvert an international doctrine which she suggested to the United States when looking to her own interests, and which, when adopted by this Republic, she highly approved." For more than seventy years the executive branch of the government has on repeated occasions given to this Doctrine its approval and has uniformly acted upon it; our diplomacy has been guided by it, and our secretaries of state have time and again made it the subject of diplomatic representation. The details of these representations in more recent years are to be found in the instructions and communications of Secretaries Fish, Frelinghuysen, Evarts, Blaine, and Bayard, and in Olney's *résumé* of the negotiations and instructions, communicated to Lord Salisbury, attached to the President's Message. Besides being the controlling factor in the emancipation of the South American states, and in protecting them from European ambition or intervention, the Monroe Doctrine operated to prevent the establishment of a European dynasty in Mexico at the close of our civil war.

On more than one occasion it has been applied to the case of Cuba, and especially by President Grant in 1870, in his Message of that year, wherein he said that existing dependencies were no longer regarded as subject to transfer by one European power to another; and that when existing relations of colonies cease, they are to become independent powers. It was applied to dangers threatening Yucatan, and its principles were embodied in the treaty of the United States with Great Britain respecting the settlement of affairs in Central America. Secretary Fish, in his report accompanying the President's Message, wrote:

The United States stand solemnly committed by repeated declarations and repeated acts to this Doctrine, and its application to the affairs of this continent. . . . It does not contemplate forcible intervention in any legitimate contest; but it protests against permitting such a contest to result in the increase of European power or influence. . . . This policy is not a policy of aggression; but it opposes the creation of European dominion on American soil, or its transfer to other European powers, and it looks hopefully to the time when, by voluntary departure of European governments from this continent and the adjacent islands, America shall be wholly American.

We now take up the question of the Venezuelan boundary dispute between that Republic and Great Britain, the repeated tender of our good offices to Great Britain in the interest of peace and harmony, and the urgent representations of our solicitude, while distinctly withholding any expression of opinion as to the real merits of the controversy, so as not to prejudice or prejudice the rights of either party.

The dispute existed at least as early as 1814, when Great Britain, by treaty with the Netherlands, acquired the provinces known as Essequibo, Demerara, and Berbice. From that time to the present day the boundary between this territory—now known as British Guiana—and Venezuela has continued to be a source of contention. The limit contended for by Venezuela has consistently been the Essequibo, excepting when she offered concessions in order to arrive at an amicable settlement by treaty and arbitration. Great Britain's claim has varied considerably, growing in extent from stage to stage in the negotiations. In 1840 an English engineer, Sir Robert Schomburgk, who five years before this date had explored the Orinoco for the Royal Geo-

graphical Society, was commissioned by the British government to survey and delimit provisionally the boundaries of British Guiana; it being the intention of the Foreign Secretary, Lord Palmerston—as appears by a letter of instructions written in 1840 by the Under-Secretary of State for Foreign Affairs, Viscount Leveson (afterward Earl Granville)—to submit the maps of the boundaries thus delimited to Venezuela and the other governments interested for their consideration and objections. The boundary thus traced and marked is known as the “Schomburgk line.” Whether the maps were or were not submitted, it is quite clear that Venezuela promptly remonstrated, so that the monuments of the line set up by Schomburgk were removed by order of Lord Aberdeen.

For the quarter of the century following 1848, Venezuela was convulsed by revolutions, so that the boundary question received little or no consideration. Since that time, as appears from the negotiations, the boundary of British Guiana has been deporting itself as if galvanized by Horace Greeley’s advice to “go West.” While negotiations were pending, new appropriations were being made by Great

Britain which amounted to 33,000 square miles in the years from 1885 to 1887; so that Venezuela, finding this condition unbearable, in the latter year suspended diplomatic relations, protesting "against the acts of spoliation committed to her detriment by the government of Great Britain." Diplomatic relations have not since been restored, though new negotiations begun in 1890 and in 1893 met with the same fate as before; Great Britain refusing to negotiate or arbitrate, except as to territory west of an arbitrary line drawn by herself. To all these negotiations, as detailed with explicitness by Secretary Olney, "the United States has not been, and indeed, in view of its traditional policy, could not be, indifferent." In December, 1886, Secretary Bayard, in order to avert the impending rupture between Venezuela and Great Britain, offered to the latter, through Minister Phelps, the coöperation of our government to arbitrate the differences, and said:

Her Majesty's government will readily understand that this attitude of friendly neutrality . . . is entirely consistent and compatible with the sense of responsibility that rests upon the United States in relation to South American republics. The doc-

trines we announced two generations ago, at the instance and with the cordial support and approval of the British government, have lost none of their force or importance in the progress of time, and the governments of Great Britain and the United States are equally interested in conserving a status the wisdom of which has been demonstrated by the experience of more than half a century.

The United States, in respect to the Venezuelan boundary dispute, is not concerned whether British Guiana be larger by an area estimated at 109,000 square miles, nor whether the territorial dominions of the Republic of Venezuela be less to that extent. In the language of Monroe's Message, "with the existing colonies or dependencies of any European power we have not interfered and shall not interfere."

It is held by Venezuela that Great Britain's usurpation entails most serious consequences, the "exclusive dominion over the Orinoco, the great artery on the north of the continent, the Mississippi River of South America," and that this control perpetuates measures of usurpation that will be the cause of permanent danger to the industry and commerce of Venezuela and neighboring states, which may,

as to certain "American countries, render illusory their political existence as free and independent states." Even the possibility of such consequences* would not justify our government in intervening for the purpose of depriving either country of a foot of territory that it is by right—as distinguished from might—entitled to hold. But, under the most favorable construction that can be put upon this controversy, it is apparent that the true boundary line between Great Britain and Venezuela is involved in an uncertainty, which fact is made the more apparent by the ever widening of the British boundary, during the past fifty years, from the Essequibo line until it includes the mouth of the Orinoco. Aside from the real facts of the controversy, Lord Salisbury's refusal to avail himself of our friendly offices, and to submit the question to impartial arbitration, leads to the conclusion that he had not sufficient faith in the justice of his claim. This he does not assert or admit; he resorts to a line of argument which is not only undiplomatic, but untenable, and changes the controversy from one affecting the boundary of a comparatively insignificant British colony to an attack upon our conti-

mental policy. It is this inadmissible contention on the part of the British Prime Minister, and not the President's Message, which has the dangerous tendency to change the issue from one of fact and diplomacy to one affecting the cardinal principle of our national policy for the security of our institutions and our relations to the nations on this continent. Mr. Schurz, in his admirable address before the New York Chamber of Commerce, referring to this regrettable phase of the controversy, said:

Now questions of fact, of law, of interest, of substantial right and justice, it may sometimes be very difficult to decide; but there are rules of evidence, rules of legal construction, and rules of equity, to help us to a solution. But a question of honor usually withdraws from all those aids, because it is a matter of sentiment.

While the closing passages of the President's Message show some evidences of irritation because of this offensive attitude on the part of Lord Salisbury (assumed doubtless to justify his refusal to submit the boundary dispute to arbitration), the President has wisely provided for keeping the controversy within the realm of fact and evidence by suggesting

the appointment of a Commission to make an inquiry to that end, to "be conducted carefully and judicially; and due weight should be given to all available evidence, records, and facts in support of the claims of both parties."

I do not believe that the possession by Great Britain of the disputed territory has the possibility, even remotely, of any such consequences as is claimed by Venezuela; but I do believe that Lord Salisbury's refusal to arbitrate charges Great Britain with weighty responsibilities that are not measured by their effect upon her possessions on this continent. It entails upon her the responsibility for the abrogation of the humane principles of arbitration as the best and most civilized method for the settlement of international disputes, which have been so courteously and urgently pressed upon her in this matter by our government, by every Secretary of State since 1876, and by our Presidents in their messages to Congress. Reference to this request for arbitration, with a brief statement of our traditional policy, was again made by President Cleveland in his last annual message at the opening of the present

Congress. Great Britain and the United States have been foremost among the nations of the world in advocating this method of settling international controversies, and their example has been the most encouraging and potent factor for promoting good will and "peace with honor" among the nations of the earth. During the present century about eighty international controversies have been adjusted by this method, and a large proportion of them have affected boundaries. Our country has settled more than forty of these difficulties in this wise, and of these some of the most important have been with Great Britain touching boundaries. The Monroe Doctrine has ever been a preserver of peace, and every assertion of it has had the effect of averting the calamities of war. Our Presidents, from Monroe to Cleveland, in order to maintain our traditional policy, to prevent, on the part of European governments, any misconception of its meaning and application, and to avoid a condition which threatened to arouse popular excitement to a point that might drive the nation into war, have reiterated our policy in accordance not only with the right, but with the duty, devolving upon

the chief Executive. Following in this regard the precedent set by Monroe—who prefaced his enunciation of the Doctrine with the words, “We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers”—Mr. Cleveland has responded to this grave duty in order to avert a hostile collision between the two great English-speaking peoples, who should ever remain “strenuous and worthy rivals in all the arts of peace.”

V

GROWTH OF AMERICAN PRESTIGE



V

GROWTH OF AMERICAN PRESTIGE

IT is a strange historical coincidence that the two great English-speaking nations came out as it were from their isolation and developed into great world powers following, if not growing out of, a war with the same nation. The destruction of the Spanish Armada in 1588 gave to England international independence, and made her mistress of the sea; while our war with Spain, followed by the peaceful and triumphal procession of our warships around the globe, raised the United States to a great world power, and achieved for us an international respect not only on the Atlantic and the Pacific, but throughout the habitable world. Let me give you a quaint illustration of this, a little incident that happened to me at the Sublime Porte. Twelve years ago, during my former mission to Turkey, they had at the Porte as attendants several deaf mutes who by gestures had a way

of describing the diplomatic representatives of the several countries. At that time they described me by holding up their palms and blowing upon them, indicating I had been wafted from a country far, far away. This time, however, I was told they described me by swinging their arms around a circle to indicate that I represented a great World power.

Our country from the beginning has been represented by many capable accredited officials in the capitals of the world, yet the men who have done most to advance American prestige were two unaccredited private citizens, the one the hero of our Civil War, who sheathed his sword with the message to our people: "Let us have peace"—General GRANT—the other, THEODORE ROOSEVELT, the champion of the justified grievances of the masses, who aroused the conscience of our people and won the admiration of monarch and peasant, from Khartoom to Christiania, for American ideas and practical idealism. "Americanism," said he, "is a question of spirit convictions and purpose, not of creed or birthplace."

We are a commercial nation, but not a com-

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mercialized people; we do love the almighty dollar, but we love the Almighty more. Commerce is based on mutuality and reciprocity. It wages its contest not against the people, but against the silent forces of nature, to put to the uses of man the richest products of his skill and ingenuity, and to raise the comforts and standards of life and living. Our diplomacy is directed toward securing a fair field and no favor, an open door in the markets of the world, and in that spirit we have been foremost among nations to lead to a peaceful solution the most important international differences. We were the first to open the doors of the International Tribunal at the Hague, and in conjunction with Great Britain we have submitted to it for solution the gravest and most difficult questions that ever have been presented for international arbitral justice—the Alabama claims, and the long pending and often threatening fishery disputes.

“No greater calamity,” says Lecky, “can befall a nation than to cut itself off from all historical connection with its own past, as France did during the Revolution,” except, I would add, it be a blind disregard for the welfare and opportunities of those who come

after us. To this destructive spirit of indulgence and suicidal disregard for the future, is due, more than to any other cause, the fall of the mighty empires of the Eastern World, whose buried columns, devastated forests, and exhausted lands still remain as silent but warning witnesses to the selfishness of man and the folly of nations. Bismarck said the logic of history is as exacting as Prussia's accounting-office. To profit by that logic, and to instruct and arouse public conscience, to guard the nation's natural resources from waste and exhaustion, formed the philosophical basis of the policies of the last administration and of the constructive statesmanship of President TAFT.

When great wealth is allied to great souls it is a blessing; but soulless wealth is an evil in itself and a menace to our future as a nation. The death-knell of our grandeur and prestige will sound when we permit the men who control millions to reach out for more millions through political power, or when we permit men who wield political power to debauch it in reaching out for millions. No form of government can endure when the instruments through which it works are corrupt.

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We are blessed in the fact that in no country does private munificence make so large a contribution to benevolence and public uses as with us, and in no country does humanitarian idealism make a deeper impression upon national character. Last year when your distinguished member John S. Kennedy died, and when his will was made public, with its benefactions reaching from the Golden Gate of the Pacific to the Golden Horn of the Bosphorus, one of the foremost European papers declared that the Americans had found a remedy for their swollen fortunes, and that remedy was in swollen benefactions.

The unit of our democracy is the individual, and its basis is trust in the people. The distinguishing feature between our political, economical, and social fabric, and the European systems, is that under our system all the people have the fullest opportunity to reap the benefits of individual liberty, material welfare, and social equality; and so long as these are preserved—and to preserve them we must guard them not only from above, but with no less determination and jealousy from below—they will continue to insure our stability and happiness and be a gain to the world and to

civilization. So long as our idle rich drift abroad, and the honest laborer comes to us, America will grow in power and prestige; but when the tide is reversed it will mark decay.

With a nation as with a man, without ideals he may maintain the present, but he can not help in molding the future. Our ideals were less recognized and lacked impressiveness so long as we remained isolated and distant; but as we are coming year by year into closer touch with the nations of the world in the markets of the world, and stand forth as a strong and righteous people for a square deal not only in our home affairs, but also in our international relations, we shall march forward in fulfilment of Sumner's prophecy: —

"The national example will be more puissant than army or navy for the conquest of the world." So long as the world conditions and international relations are far from ideal, notwithstanding the progress that has been made, we must have an adequate navy that will command respect for its size and efficiency; but the Union Jack is not sufficient to advance our prestige unless it is supplemented by a merchant marine. No more patriotic cause appeals to the merchants and manufacturers

of the nation than to enlighten our legislators, so that they will understand that we can never win and retain our share in the markets of the world so long as we chain our merchant flag to our coasts and restrain American-owned ships from carrying our products to distant shores. Our present laws in their effect promote the ocean carrying-trade of other nations and discriminate against our merchants and our flag. I am a protectionist, and because I am I believe in protecting not alone our domestic, but equally our foreign trade; and that trade will never attain its legitimate proportions until we shape our laws so that American ships—by which I mean ships owned by Americans and sailing under our flag—can carry American products over every sea to the four quarters of the earth. If this cannot be brought about in any other way, then let us annually devote one-half the cost of a man-of-war as a postal subsidy to the building up of our merchant marine, which sum will come back to us ten-fold in the increase of our foreign trade, and in the growth of American intercourse and prestige throughout the world.



VI

CITIZENSHIP AND PROTECTION OF NATURALIZED CITIZENS ABROAD



VI

CITIZENSHIP AND PROTECTION OF NATURALIZED CITIZENS ABROAD

WHEN the normal relations between nations were those of belligerency, the principle underlying those relations was the predominance of might and self-interest. As this attitude changed and gradually developed with the advance of civilization into a desire on the part of nations to maintain peace with one another, so did the relations change from normal belligerency to normal amity and friendship. In the earlier stages of this development the foreigner had no rights, he was regarded as a slave; his property, on the slightest pretext, was plundered or confiscated;¹ piracy was an important and legitimate branch of international commerce, the dangers of which could be avoided by paying in advance a stipulated and often regulated

¹ Walker's Science of International Law, pp. 214-217.

tribute, which tribute, or tariff, was regarded very much in the light of marine insurance.

If we bear in mind that the development to which we have referred has by no means reached its final stages; that distinct signs of arrested growth in varying degrees are not only traceable but clearly evident in many of the principles as expounded by the eminent authorities on international law, we shall be better able to harmonize as well as to distinguish between abstract principles as laid down by the text-writers and specific cases as adjusted by diplomatic negotiations. This development also marks the stages of evolution of international relations from a policy based upon predominant might and self-interest, to the recognition of reciprocal obligations based upon equal sovereignty and the principles of justice as between civilized nations. As the individuals composing a nation became more enlightened and imbued with a sense of right and justice, so the nations that ultimately reflect public opinion shaped their political and executive relations toward each other by their laws, treaties and conventions, in order to avoid international differences and lessen those double-edged controversies which

arose out of the conflict of sovereignty and were fruitful causes of war.

Among the questions coming under this head, none are of more frequent occurrence than those growing out of the conflicting claims of sovereignty and allegiance made by nations respecting their subjects.² The chief conflict arises out of two classes of cases:

(a) Where a person is domiciled in a country wherein he was born, descended from a father born in the dominion of another country.

(b) Where a person born in one country, emigrates therefrom and becomes naturalized in the country of his adoption, and afterward returns to the country of his birth.

The evolution and revolutions which brought about the overthrow of Feudalism as a state system have not entirely obliterated many of the precedents that system engendered. It has left in European countries, as a prerogative of early monarchical claims, the

² Subject and citizen are, in a degree, convertible terms as applied to natives, and though the term *citizen* seems to be appropriate to republican freemen, yet we are, equally with the inhabitants of all other countries, subjects, for we are equally bound by allegiance and subjection to the government and law of the land."—II Kent's Commentaries (6th ed.), 258, note.

idea of perpetual allegiance transferred from the liege lord to the state, except in so far as these ideas had to yield to the conflicting claims of sovereignty, which are chiefly embodied in the reciprocal clauses of naturalization treaties. The feudal doctrines never have found root in this country. "The Government of the United States commenced with successful revolution; it was organized on the hypothesis of allowing the largest range to individual volition compatible with public safety; the people of the United States are composed of emigrants from Europe, most of whom expatriated themselves in order to escape from oppression, or, if you please, legal impediments to personal action, in the countries of their birth—and many of whom were the actors and the victims of revolutions or of civil wars. . . . The doctrine of absolute and perpetual allegiance—the root of the denial of any right of emigration—is inadmissible in the United States. It was a matter involved in and settled by the Revolution which founded the American Union."³

It has been held even by some of our fore-

³ Foreign Relations, 1873, Part 2, 1353-1365. Opinion of Caleb Cushing, Attorney-General.

most jurists of former years, that as we adopted the common law of England, as it existed at the time of our separation, therefore we adopted the common-law doctrine of indissoluble allegiance. "But there are two sufficient answers to this course of reasoning; the common law of England is not the international law of the world, and we have inherited and adopted the common law of England only in so far as its provisions and its reasoning are adapted to our new situation and our political institutions. Therefore the common-law doctrine of indestructible allegiance is not a part of the system of American law, any more than it is of the international law."⁴

The United States have led the way in the overthrow of the feudal doctrine of perpetual

⁴ Report of George H. Yeaman, United States Minister to Denmark. Diplomatic Correspondence, 1867, Part 1, 674.

"Obviously, when the Constitution deals with common-law phraseology, the language should be read in the light of the common law; but when the question arises as to what constitutes citizenship of the nation, involving as it does international relations, and political as distinguished from civil status, international principles must be considered, and unless the municipal law of England appears to have been affirmatively accepted, it cannot be allowed to control in the matter of construction. Nationality is essentially a political idea, and belongs to the sphere of public law."—*U. S. v. Wong Kim Ark*, U. S. Rep., Vol. 169, p. 707 (1898).

allegiance. From the earliest times the executive branch of the Government has consistently upheld the right of expatriation, and opposed the doctrine of indissoluble allegiance. In 1793 Mr. Jefferson, then Secretary of State, in a letter to Mr. Morris, said: "Our citizens are certainly free to divest themselves of that character by emigrating, and other acts manifesting their intention, and may then become the subjects of another power, and free to do whatever the subjects of that power may do." Again, in 1794, Mr. Randolph, Secretary of State, relative to the alleged expatriation of one, Captain Talbot, said: "I can not doubt that Captain Talbot has taken an oath to the French Republic, and at the same time I acknowledge my belief that no law of any of the States prohibits expatriation."

The United States have never passed any law restraining their own citizens, native or naturalized, from leaving the country and forming political relations elsewhere.⁵ Besides, the naturalization laws of the United States are inconsistent with this doctrine, as they require an alien who is to be naturalized,

⁵ Webster, Secretary of State, to Mr. Thompson, July 8, 1842. Wharton's International Law Digest, Vol. II, 310.

to abjure his former allegiance without taking cognizance whether his sovereign of origin has released him.

The right of expatriation was expressly recognized by the Act of 1868, whose preamble reads: "Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness, and whereas in the recognition of this principle this Government has freely received emigrants from all nations, and invested them with the rights of citizenship," &c.

Our foreign relations are replete with cases wherein we have consistently urged and generally upheld the doctrine of the inherent right of expatriation. The insistence upon this right brought us into war with England in 1812, and again in 1848 came near bringing us into hostile collision with Austria, arising out of the case of Martin Koszta. The peculiar circumstances and the summary manner in which Martin Koszta was seized or rather kidnapped by the Austrian authorities in neutral territory, provoked, if they did not entirely justify the extreme claim of protection by the United States. The case is commented upon

in all the text-books. Martin Koszta was a Hungarian insurgent of 1848-9. He escaped to Turkey, and went thence to the United States, and in 1852 made the usual declaration preparatory to being naturalized under our laws. In 1854 he returned to Turkey. At Smyrna, by order of the Austrian Consul, he was seized while on shore and thrown into the water, taken up by the crew of the *Hussar*, an Austrian frigate, and put into irons. Before the boat got under way an American frigate arrived and threatened to sink the Austrian vessel unless Koszta was released. This led to an arrangement by which he was put under the custody of the French Consul-General, until the governments should come to an understanding. The Turkish authorities had refused to allow his arrest, and Austria, it seems, subsequently claimed a right to arrest him under the capitulations. I have examined these capitulations, but do not find a basis for such claim. This point I find referred to in the correspondence, but not by the text-writers in their discussion of the case. This fact doubtless influenced Mr. Marcy, Secretary of State, to expand the doctrine of protection so as to include inchoate citizenship under such excep-

tional circumstances. Besides, as Secretary Marcy correctly emphasized, Koszta had been banished by Austria, and banishment, under the law of nations, operates as a release of allegiance. So in any event Austria was estopped by her own act. That this is a fact, is borne out by the action of Secretary Marcy in the case of Simon Tousig, who also had filed his declaration to become an American citizen. On returning to Austria, Tousig was arrested for the same cause, participation in the Hungarian insurrection. Mr. Marcy refused to interfere, and said: "Every nation, whenever the laws are violated by any owing obedience to them, whether he be a citizen or a stranger, has a right to inflict the penalties incurred upon the transgressor if found within its jurisdiction."

England, while freely allowing liberty of emigration, held to the principle of indelible allegiance until 1870. Her former attitude was neither logical nor consistent, in that she did not follow her emigrants to other countries with English protection, but claimed the right of their allegiance whenever she chose to demand it. So long as they remained in a foreign country they were held to their foreign

claim of allegiance, and were estopped from asking British protection; yet when they returned to England the claim of their foreign allegiance was not admitted. There is no more striking illustration of conflict of sovereignty arising out of opposing doctrines maintained by two nations on the question of expatriation than the causes that brought on the Anglo-American war of 1812. So long as these opposing doctrines were insisted upon, all efforts to arrive at a peaceful arrangement proved futile.⁶ In 1807 the King issued a proclamation containing the following passage, "Now we do hereby warn all such mariners, seafaring men, and others, our natural-born subjects, that no such letters of naturalization, or certificates of citizenship, do, or can, in any manner divest our natural-born subjects of the allegiance, or in any degree alter the duty, which they owe to us, their lawful sovereign."

In 1809 Mr. Smith, the American Secretary of State, in a dispatch to Mr. Pinckney, our Minister to the Court of St. James, announcing the refusal of the President to accord further

⁶ The negotiations are detailed in the Appendix to the Report of the British Royal Commissioners on the Laws of Naturalization and Allegiance (1869).

official intercourse with Mr. Jackson, the British representative, whose negotiations his government had disavowed, wrote: "What possible consideration could have induced the British Government to expect that the United States would admit a principle that would deprive our naturalized citizens of the legal privileges which they hold in common with their native born fellow-citizens?"

Englishmen naturalized in the United States were impressed from on board American vessels for service in the English Navy. President Madison, in his inaugural address on March 4, 1813, referred to this attitude of England, saying: "They have refused to consider as prisoners of war, and threaten to punish as traitors and deserters, persons emigrating without restraint to the United States, incorporated by naturalization into our political family, and fighting under the authority of their adopted country in open and honorable war, for the maintenance of its rights and safety. Such is the avowed purpose of a Government which is in the practice of naturalizing by thousands citizens of other countries, and not only of permitting but compelling them to fight against their native country."

Mr. Monroe, when Secretary of State, in the instructions to the American Commissioners for negotiating the Treaty of Ghent (April 15, 1814), says: "It is contended by some . . . by naturalizing a foreigner, no state can absolve him from the obligation which he owes to his former government, and that he becomes a citizen in a qualified sense only. This doctrine, if true in any case, is less applicable to the United States than to any other power. Expatriation seems to be a natural right, and by the original character of our institutions, founded by compact on principle, and particularly by the unqualified investment of the adopted citizen with the full rights of the native, all that the United States could do to place him on the same footing has been done."

I cite these opinions out of many of a like nature as showing the divergent positions taken by England and the United States upon this subject. The Prince Regent, in the Proclamation issued on July 24, 1814, recalling and prohibiting natural born subjects of His Majesty from serving in the ships and armies of the United States, entirely disregarded American naturalization and gave notice to those

who remained in the service that they would be treated as guilty of high treason. Of course, this extreme position was due to the existence of war between the two countries, and was regarded as a war measure.

In the negotiations which terminated in the treaty of Ghent, the Commissioners did their utmost to incorporate the claims of the respective governments as to expatriation and perpetual allegiance; but it was found that the divergent positions under their instructions could not be harmonized, so that question was dropped, the United States Commissioners saying: "The causes of war between the United States and Great Britain having disappeared by the maritime pacification of Europe, the Government of the United States did not desire to continue it in defense of abstract principles, which have, for the present, ceased to have any practical effect."⁷ Yet on examination of this treaty it will be seen that Article III provides for the restoration of all prisoners of war. This was by implication an abandonment of the extreme position taken by Great Britain, and to that extent a recognition of the American doctrine of expatriation.

⁷ Royal Commissioners' Report, p. 37.

With the abandonment by Great Britain of impressment as a means of manning her navy, the sources of possible collision upon this question were removed. From time to time the United States made advances to open negotiations with Great Britain upon the subject of expatriation, but successive English governments, though they had abandoned in practice the claim of perpetual allegiance, refused to come to a definite understanding on the question. In 1842 Lord Ashburton was sent on a special mission to the United States, authorized to negotiate for the settlement of all existing differences between the two countries. Mr. Webster, embracing this opportunity, addressed a note to him for the purpose of coming to an arrangement upon these questions, setting forth the efforts that had been made by the United States in that direction for the past fifty years. Lord Ashburton, however, put the negotiations aside, declaring that his instructions limited him to existing subjects of difference. He said: "I am well aware that the laws of our two countries maintain opposite principles respecting allegiance to the sovereign. America, receiving every year by thousands the emigrants of Europe, maintains the

doctrines suitable to her condition, of the right of transferring allegiance at will. The laws of Great Britain have at all times maintained the opposite doctrine."

Diplomatic conflicts with England and other countries, arising out of this question of allegiance and expatriation, continually presented themselves. In 1848, during the Irish disturbances of that year, Bergen, a native American, and Ryan, an Irishman naturalized in America, were arrested on suspicion of treason. Mr. Bancroft, our Minister to England, remonstrated against the treatment of the arrested persons as subjects of Great Britain. Lord Palmerston, in his answer, upheld the traditional doctrine of perpetual allegiance. Mr. Buchanan, Secretary of State, instructed Mr. Bancroft: "Whenever the occasion may require it, you will resist the British doctrine of perpetual allegiance, and maintain the American principle, that British native-born subjects after they have been naturalized under our laws, are to all intents and purposes as much American citizens, and entitled to the same degree of protection, as though they had been born in the United States." While these conflicting views were expressed, it resulted in

the liberation of Bergen and Ryan on condition of their leaving the kingdom.⁸

In 1859 Mr. Cass, Secretary of State, in his instructions to Mr. Wright, our Minister to Prussia, respecting the protection of our naturalized citizens of Prussian origin, who on their return were arrested under the regulations for enlistment and the laws against expatriation, said: "The moment a foreigner becomes naturalized, his allegiance to his native country becomes severed forever. He experiences a new political birth. A broad and impassable line separates him from his native country. He is no more responsible for anything he may say or do, or omit to say or do, after assuming his new character, than if he had been born in the United States. Should he return to his native country, he returns as an American citizen, and in no other character. In order to entitle his original government to punish him for an offense, this must have been committed while he was a subject and owed allegiance to that government. . . . A future liability to serve in the army will not be sufficient, because before that time can arrive for such service he has changed his

⁸ Royal Commissioners' Report, p. 40.

allegiance and become a citizen of the United States.” He then distinguishes between these cases and those where the person had been drafted or had actually deserted prior to emigration.⁹

Another important case that came up at this time was that of Christian Ernst. He was a native of Hanover, and emigrated to this country in 1851, when he was about nineteen years of age. In February, 1859, he was naturalized, and in March, after procuring a passport, he went back to Hanover on a temporary visit. He had been in the village where he was born about three weeks, when he was arrested, carried to the nearest military station, and forced into the Hanoverian army. Upon this state of facts Mr. Caleb Cushing, the Attorney-General, said: “I know that the common law of England denies it (the right of expatriation); that the judicial decisions of that country are opposed to it; and that some of our courts, misled by British authority, have expressed, though not very decisively, the same opinion. But all this is very far from settling the ques-

⁹ U. S. Senate Documents, 1858-60, Vol. II, 1364. Report on Expatriation and Naturalization, Foreign Relations, 1873, II, 1295.

tion. The municipal code of England is not one of the sources from which we derive our knowledge of international law. We take it from natural reason and from the practice of civilized nations. All these are opposed to the doctrine of perpetual allegiance. It is too injurious to the general interests of mankind to be tolerated; justice denies that men should either be confined to their native soil, or driven away from it, against their will. Expatriation includes not only emigration out of one's native country, but *naturalization* in the country adopted as a future residence.¹⁰

The next class of cases which brought this question to the foreground in our diplomacy were those arising out of the Fenian arrests, and the suspension of the Habeas Corpus Act in Ireland in 1866.¹¹ These cases (the Fenian) and those with Prussia gave rise to political agitation which stimulated Congress to place our policy regarding the protection of our naturalized citizens in foreign countries and our doctrine regarding the right of expatriation in a definite enactment, so that there might no longer be doubt as to our position or


¹⁰ Ibid., Foreign Relations, 1873, II, 1203.

¹¹ Foreign Relations, 1866.

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any question respecting a conflict between the decisions of the courts and the executive branch of the government. This act of Congress, July 27, 1868, the preamble of which I have quoted, declared the principles upon which the naturalization laws of the United States always rested, and gave legislative sanction to the doctrine uniformly held by the executive and political branches of the Government. It enacted: (Sec. 2) "That all naturalized citizens of the United States, while in foreign states, shall be entitled to, and shall receive, from this government the same protection of persons and property that is accorded to native-born citizens in like situations and circumstances."

The foreign relations in all countries to a degree are shaped by internal conditions, and doubtless this law, enacted to win over foreign-born citizens to the support of the party in power, while entirely applicable for the protection of this class of citizens within the jurisdiction of the United States, has in many instances been found impracticable or impossible to enforce, where a foreign-born citizen has returned to the country of his birth. These latter cases have caused endless vexatious negotiations, at times imperiling the good



relations of our country with other nations.

The fact is, the same year this Act was passed we concluded the first of our series of naturalization treaties, wherein we limited, save under exceptional circumstances, the period of protection of naturalized citizens to two years after their return to, and residence in the country of their origin. And yet the United States goes further in the protection of its naturalized citizens, even under these circumstances, than any other country. Great Britain, for instance, while freely according naturalization, has relieved herself from protecting her foreign-born subjects on their return to the country of their origin.¹²


We have treaties of naturalization with the following countries: Austria-Hungary, Baden, Bavaria, Belgium, Denmark, Ecuador, Great Britain, Hesse-Darmstadt, the North German Union, Sweden, Norway, and Württemberg. These treaties have had a restraining as well

¹² The Naturalization Act, 1870, paragraph 7, subdivision 3: "An alien to whom a certificate of naturalization is granted . . . shall not, when within the limits of the foreign state of which he was a subject previously to obtaining his certificate of naturalization, be deemed to be a British subject unless he has ceased to be a subject of that state in pursuance of the laws thereof, or in pursuance of a treaty to that effect."

as eliminating effect—restraining such as otherwise would seek our naturalization with the purpose of returning to the country of their origin and there claiming the protection of our laws; and an eliminating effect, in relieving our country, with certain exceptions, from protection of naturalized citizens on their return to their country of origin after a residence therein of two years or more.

The Act of 1868, in reference to countries with which we have treaties of naturalization, is modified by the two-year clause of such treaties; but with such countries as Turkey, Russia, France, Mexico, and the other Republics of this hemisphere, with which we have as yet no treaty of naturalization, continual conflicts arise, which are aggravated in times of revolution or other domestic disturbances in such countries, by the return of their former subjects clothed with American naturalization. A large part of the time of our State Department and our diplomatic agents is taken up with this class of cases, which often menace our friendly relations.

My purpose in presenting this subject, aside from the importance of the questions involved, is to direct attention to the advisability, if not



the imperative duty, of modifying our laws regarding naturalization in respect to that special class of our naturalized citizens who are a constant menace to our friendly relations with other nations. I refer to that class whose citizenship, though regular in form, yet in the light of intent and purpose to which it is applied, is a fraud upon two countries, our own and the country of their nativity—"thus making the claim to American citizenship the pretext for avoiding duties to one country, while absence secures them from duties to the other."¹³ From my experience in Turkey I feel justified in saying that a very large proportion of American naturalized citizens of Ottoman origin, who return to their former country, come under this class. The same is true to some extent as to the same class of naturalized citizens in other countries.¹⁴

Our diplomatic relations with Spain for the

¹³ Secretary Fish, Opinions of the Heads of the Executive Departments relating to Expatriation, Naturalization, and Change of Allegiance. U. S. Foreign Relations, 1873.

¹⁴ This condition has been largely remedied by the Act of March 2, 1907, which provides: "When any naturalized citizen shall have resided for two years in the foreign state from which he came, or for five years in any other foreign state, it shall be presumed that he has ceased to be an American citizen." This presumption, in certain cases, may be overcome.

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past fifty years bear proof of the extent to which our naturalized citizens of Cuban origin were responsible for the chronic state of insurrection, fostered by filibustering expeditions from the United States, which eventually brought on our recent war with Spain.

Our relations with Mexico and with other American Republics would be far less liable to vexatious differences, and would be more permanently friendly, but for the machinations of this same class of citizens, who return to their country of origin to exploit their native country, and embroil the country of their nominal adoption.

Naturalization effected in the United States without any intent to reside permanently therein, but with a view of residing in another country, especially when such other country is the country of origin, and using such naturalization to evade duties and responsibilities that would otherwise attach to such persons, should be treated by our Government as fraudulent and as imposing no obligation upon it to protect such person. In practice the facts are not always apparent, as all kinds of subterfuges are used to conceal them. Many instances of

this kind may be cited, and in some of these our country went to the verge of war in behalf of citizens who never had, and could not have, any feeling of loyalty to the United States, much less any knowledge or appreciation of our form of government. A case which came near involving us in war with Ecuador occurred in 1885—that of Julio R. Santos.¹⁵ Santos was born in Ecuador of Ecuadorian parents. He came to the United States, where he was naturalized, and afterward returned to the country of his birth, where he was engaged in business for a period of six years, when he was arrested for complicity in the revolution of 1884, for which, together with other rebels, he was tried and convicted. The matter developed much irritation and was a severe strain upon our relations and was not finally settled until our contention was backed up by a man-of-war.

The reason that acquired citizenship has been and will continue to be more abused in the United States than in other countries, is not that during the last hundred years the tide of emigration has been directed to our shores, but that naturalization in other countries is

¹⁵ *Foreign Relations*, 1886, pp. 224-297.

either not so easily acquired or is granted only with the consent of the native state. To countries wherein naturalization is granted only with consent of the native state, restrictions are usually imposed by the native state as a condition for that consent, while for such countries as come under the former classification, as a rule, only a limited naturalization is accorded, which imposes no obligation to protection beyond the jurisdiction of the state granting such naturalization.¹⁶

I do not for a moment advocate an abridgment of the American doctrines of citizenship and expatriation, which are so consonant with principles of personal liberty. I do, however, advocate the elimination of those naturalized citizens who, taking advantage of the broad and generous provisions of our naturalization laws, not for the purpose of residing in the United States, nor with any intention to respond to the duties that citizenship in this country involves, return to their native country, and through their acquired citizenship seek to escape the burdens of their native alle-

¹⁶ For a summary of the laws of other countries upon Naturalization and Expatriation see *Foreign Relations of the U. S.*, 1873, pp. 1276-1293. *Hall's International Law*, pp. 231-6.

giance. That class, under the pretext of loyalty to their adopted country, commit treasonable acts in the country of their nativity, and thereby seek to involve the United States in the domestic turmoils and rebellions in their native country. This abuse is not eliminated by our naturalization treaties, it is circumscribed to an extent by the two-year clause in such treaties; but we have found within the two years after the return of naturalized citizens to their native country, or during a residence declared to be temporary, but in fact permanent, it often happens these citizens have been apprehended as participants in revolutions they have promoted even while residing in the United States pending the acquiring of citizenship. The dangers from this class of citizens have been largely augmented in recent years by the rapid means of travel on land and sea, together with the facilities of communication by telegraph, coupled with our natural world-wide sympathies for people struggling against oppression.

The Presidents of the United States, in their annual messages since our Civil War, have again and again called attention to the unsatisfactory and defective condition of our

laws. President Grant, in his annual message of 1875, referring to this special phase of the subject, says: "In other cases naturalized citizens, immediately after naturalization, have returned to their native country, have become engaged in business, have accepted offices or pursuits inconsistent with American citizenship, and evidence no intent to return to the United States until called upon to discharge some duty to the country where they are residing, when at once they assert their citizenship and call upon the representatives of the Government to aid them in their unjust pretensions. It is but just to all *bona fide* citizens that no doubt should exist in such questions, and that Congress should determine by enactment of law how expatriation may be accomplished and change of citizenship be established."¹⁷

President Cleveland, in his Annual Message of 1888, says: "That easy and unguarded manner in which certificates of American citizenship can now be obtained has induced a class, unfortunately large, to avail themselves of the opportunity to become absolved from allegiance to their native land, and yet by a

¹⁷ Richardson's Messages and Papers of the Presidents, Vol. III, 347.

foreign residence to escape any just duty and contribution of service to the country of their proposed adoption. Thus, while evading the duties of citizenship to the United States, they may make prompt claim for its national protection and demand its intervention in their behalf. International complications of a serious nature arise.¹⁸

As matters now stand, with the law of 1868, which provides that the same protection shall be accorded to naturalized as to native-born citizens in foreign countries, and in the absence of any laws providing by what voluntary acts or circumstances expatriation is effected, this class of questions, if not the most important, certainly the most frequently occurring in our diplomacy, is largely left to haphazard, and to contradictory evidence and circumstances for decision.

Secretary Fish, in an instruction to Mr. Washburn, our Minister to France, refers to the difficulties surrounding such cases, and indicates a distinction that must necessarily be made between native-born and such naturalized citizens as have returned to the country of their birth, as to when and whether they are

¹⁸ Ibid., Vol. VIII, 785.

entitled to the protection of our Government. He says: "But where a naturalized citizen returns to his native land to reside, the action of the treaty-making power above referred to would seem to require that such agents be jealous and scrutinizing when he seeks their intervention. Even in such cases the purpose of not renouncing the adopted citizenship might be manifested and proven in various ways, etc."¹⁹ In other words, the Executive Department of our Government, through force of circumstances, has found itself compelled to read an exception in the Act of 1868, and in certain cases to withhold its protection from naturalized citizens who have returned to their native country and concerning whom the circumstances justified the conclusion that they have abandoned their acquired citizenship. In almost every case where this conclusion is arrived at, it has been done in contradiction to the person's demand for protection and to his pretension of not having abandoned his United States citizenship. In practice the application of these principles is difficult, and at times our Government finds itself committed to the protection of persons for whom it doubtless would

¹⁹ *Foreign Relations*, 1873, p. 260.

have declined to intervene had all the circumstances come to its knowledge before any action had been taken by its naval officers or diplomatic officials, but having once asserted its right to accord protection, and having been committed thereto by its agents, it is difficult without loss of national prestige for the Government to recede from its position.

The United States, in consonance with the spirit of personal liberty which underlies the fabric of its laws, has had a marked influence upon European powers in its maintenance of the right of expatriation, and in inducing them to recede from the doctrine of perpetual allegiance; therefore, all the more should it have a care to guard that right and prevent it from being perverted and abused to the detriment of its *bona fide* citizens and to the jeopardy of its relations with other nations. Because from the beginning of our Government we have encouraged immigration by liberal laws, and freely endowed the emigrants and refugees from the Old World with a new national birth by investing them with the rights and privileges of American citizens, we should be jealous of the duties and obligations those privileges impose by discouraging the immigration of

such persons as come among us only to acquire our citizenship as a pretext for seeking our protection upon their return to reside permanently in the country of their birth.

There are several ways of reaching the desired result, either by adopting some such form respecting naturalization as obtains in Great Britain, or by the passage of an amendment to the existing laws to the effect that the return of a naturalized citizen to the country of his nativity, except for a temporary stay or a brief visit, shall be presumptive evidence of the abandonment of his American citizenship. While this will not be a complete remedy, such a law would also have the effect of deterring the immigration of such persons as most abuse the high privileges of American citizenship, who are a continual menace to our friendly relations with other countries.

The inevitable consequences of our Spanish War, together with our keen competition for the markets of the world for our export trade, have involved us, for good or for ill, in the intricacies of the world's diplomacy, and have expanded the scope of our foreign affairs.

To understand and administer these enlarged interests, to protect our rights, and at

the same time to keep clear of strained and interrupted relations and the many vexatious questions which, under the provocations of home politics and a sensational press, may, even when least expected, bring on the calamities of war, will demand the highest skill of our Department of State, aided by the trained knowledge of experienced diplomatic agents. It is especially incumbent upon a powerful nation to be just. It can best afford to be generous. It can be so without being charged with weakness. It must often be firm and resolute. Such characteristics are as effective internationally as inter-personally. To be this, and to do this, we must concede to others the same rights that we demand for ourselves, and not invite quarrels from which we must often retreat; quarrels, too, which are most apt to arise at times when nations are most susceptible to irritation, during periods of threatening or pending revolution, or of actual war; when the obligations of neutrality are difficult to maintain, notwithstanding the most watchful care on the part of governments.

VII

OUR DIPLOMACY WITH REFERENCE TO OUR DIPLOMATIC AND CON- SULAR SERVICE



VII

OUR DIPLOMACY WITH REFERENCE TO OUR DIPLOMATIC AND CON- SULAR SERVICE

THE dominant purpose of the first period of our diplomacy, extending from the end of the Revolution to the termination of the war of 1812, until the conclusion of the Treaty of Ghent in 1814, was to establish by treaties what had been achieved by war, to obtain recognition upon equal terms in the family of nations.

That of the second period was to safeguard our political existence as a sovereign and independent nation on the American continent from threatened aggressions and intervention on the part of European powers. This period culminated in 1823 by the promulgation of the Monroe Doctrine.

The third period extended from that time until the end of our Civil War. This was the

preservative or surgical period of our development, when the nation submitted to the bloodiest and most serious operation to eradicate the cancer of slavery which had eaten into its very vitals, the roots of which extended far into the colonial times. From this period we became more assertive of our rights internationally and on this continent, beginning with our demand for the termination of Maximilian's rule in Mexico, which rested on French bayonets for its support, and our insistence upon Great Britain's making reparation for her violation of the laws of neutrality during our Civil War, by adjusting the "Alabama" claims.

The next, or fifth period was characterized by a policy that was both vigorous and aggressive, beginning with Cleveland's Venezuelan message and ending with the Spanish War. We have now arrived at an offensive as distinguished from a defensive policy. It is the commercial stage, whose aim it is to reach out for our share of the world's commerce, to secure an open door with European nations in Asiatic countries and procure equal rights and facilities for our commerce in seeking the markets of the world.

This diplomatic-commercial stage is a natural development. In modern times it was inaugurated by Holland, subsequently was vigorously developed with army, fleet, and diplomacy by Great Britain, and is to-day pushed forward with aggressive vigor by Germany. This stage is international in its fullest application, and has some aspects of resemblance to the earliest stages of our foreign policy, in that it is commercial, but with this difference—the goal is beyond, and not within, the United States. In the first stage after we had achieved our independence “there existed at that time in Europe,” as Trescot points out,¹ “an exaggerated idea of the immediate importance of American commerce. . . . Situated as were the European states, they were not always the arbiters of their own interests; and there existed on their part a strong disposition to apply the rule of their own conduct to the new republic and compel a participation in a common fate.” The purpose of our diplomacy during this period was to resist this pretension; and it was in part accomplished

¹ “The Diplomatic History of the Administrations of Washington and Adams,” by William Henry Trescot (1857), pp. 2, 4.

by our first treaties with England, Spain, and France, and more perfectly by our expansion diplomacy through the purchase of Louisiana and Florida, and subsequently by the annexation of Texas and the purchase of Alaska. A wide difference, however, is to be noted between our expansion policy on this continent ending with the Alaska purchase and that which has since taken place beyond the limits of the continent. In the former plan of expansion the purpose was to free ourselves from European interests by getting rid of neighboring and contiguous European possessions: whereas in the expansion which has taken place since our war with Spain, especially in the acquisition of the Philippines, we have not only assumed new and most troublesome governmental problems and burdens, but have also acquired new and strange neighbors. We have entered into the arena of world politics, and have departed from that policy of American concentration and from the security afforded by our isolation from the shifting and perplexing phases of Asiatic and European conflicts and wars.

Aside, however, from our recent territorial expansion and entirely apart from it, a natural

and peaceful expansion has taken place, due not to our prowess in war, but to our natural advantages, and to American skill and enterprise as a producing and manufacturing people. This is an aggressive expansion; for we go out to meet the nations of the world in commercial rivalry, not only in neutral zones, but also in their home markets. We are beginning to hear more and more, and we shall hear more and more, of reciprocity and retaliation and commercial union on the part of European countries against us or rather against our export products.

Thus far, under the guidance of a wise, far-seeing, and tactful diplomacy, which has characterized the administration of Secretary Hay, we have won signal victories and open doors in a true spirit of amity and friendship. But the time has now arrived when, in the language of President McKinley in his last message to his countrymen: "The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times: measures

of retaliation are not. If, perchance, some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should they not be employed to extend and promote our markets abroad?"

With the rapid growth of our foreign commerce due to many causes, the country is held bound and suffering by the narrow views and the selfish interests which lie at the basis of much of our tariff legislation; and we shall probably have to wait for better legislation until the very contingencies happen of which President McKinley wisely forewarned us, and which it was his purpose to forestall and prevent. It is one thing to let loose the greed and selfishness of commercialism, and quite another to curb its powers in the interest of public policy and national honor.

When tariff walls are too high, they obstruct egress as well as ingress. Besides, they become the bulwark for the propagation and multiplication of trusts to raise prices, as distinguished from economical combinations which reduce the cost of production. Aside from this, there is the all-important domestic problem, the basis of all commerce—the harmonious relations between capital and labor,

or between employers and workmen. The lack of that harmony in Great Britain and in other countries has contributed more than any other cause to the lessening of commercial prosperity. The phrase, "Trade follows the flag," is attractive on the stump, but in the light of experience it is false. Trade follows the course of least resistance. The obstacles may be natural, as, for instance, the advantages one country possesses over other countries in respect to raw material, facilities for manufacture, the skill and intelligence of workmen, etc. They may be artificial, as in the case of excessive tariffs or the lack of banking and transportation facilities, or of information as to the special tastes and requirements of the importing country. Experienced consuls, familiar with the trade of the country and districts wherein they reside, are the official commercial pickets and outposts, and are of vast advantage in directing the channels of trade. Rapidity of communication brought about by steam navigation and by the telegraph have increased the value as well as the scope of diplomatic functions and of consular relations to trade expansion; and every year it is becoming more apparent that

we must systematize our foreign service, both diplomatic and consular, upon a common-sense basis, where appointments in the first instance are made for fitness, and not for favoritism, and where promotions and a fixed tenure dependent upon capacity and good behavior reward efficient services. Silas Larrabee says in his characteristic phrasing: "Ameriky is up agin one of them things they call dilemmies. We call ourselves a world power: we act like a miser'ble, narrer-minded, short-sighted, people. If we 're goin' to keep on in the world-power business, had n't we better put on some world-power clothes, and take on world-power ways?"

The evil of our present method, or rather lack of method, of appointment, based almost entirely on the spoils system, is less apparent, in the very nature of things, when one party remains in power for several successive administrations than when, through the shifting of home politics, administrations alternate, as was the case between 1885 and 1897, under the successive administrations of Presidents Cleveland, Harrison, Cleveland, and McKinley, which period has not inaptly been termed the "transit period," so far as concerned our

foreign service, in that by far the larger number of our foreign officials, constituting our diplomatic and consular officers, were going and coming from every quarter of the globe, first Republican appointees returning and the Democrats taking their places, then the Democrats returning and the Republicans taking their places; and again the Republicans returning and the Democrats taking their places, and finally, the Democrats returning and the Republicans taking their places. It was not only felt, but quite openly declared, at several foreign capitals, that it was hardly worth while to enter into any serious negotiations with us; for just about the time an agreement could be reached our representative would be recalled. At other capitals, negotiations that were not agreeable to the government to which our diplomatic representatives were accredited were purposely protracted with the expectation, as our national election was approaching, that a new diplomatic representative, entirely unfamiliar with the negotiations, would replace the former one.

I know it has been argued, and with some apparent force, that, notwithstanding the spoils system, our diplomacy has been in the main

successful; but a critical examination of our successes will reveal the fact that even our successes are arguments for a trained and fixed service. The successes that distinguish the first period of our history were achieved before the spoils system had arisen, during the Confederation and under the administrations from Washington to John Quincy Adams, when our best-trained and best-qualified men were sent abroad, irrespective of partizan considerations. We naturally recall the names of Franklin, Adams, Jefferson, Jay, Marshall, Livingston, Monroe, and others, whose services in behalf of our country are recorded in every school history. But even during this period we must not forget that Napoleon served us as our greatest diplomat, for, as Trescot says: "Thus the treaty with England has yielded to the necessities of the conditions of hostility between England and France; the treaty with Spain was the result of the changed attitude of that power toward England on the one side and France on the other; and the treaty with France depended upon the special relation which France at the moment wished to assume for her own purposes, towards the other powers of Europe." Other notable in-

stances during later periods may be cited, when there was immediate and pressing need for "the right man in the right place," as was the case when Lincoln sent Charles Francis Adams to London during the Civil War. The second reason for our diplomatic successes, even after the rise and growth of the spoils system, is that these successes in the main were not attained by our diplomatic representatives abroad, but because, due at times perhaps to the very defects of our system, the negotiations were transferred to Washington and conducted by the Secretary of State in person, as was notably the case under Secretaries Webster, Seward, Fish, and Hay.

The third reason for our diplomatic successes, to employ a Hibernicism, is that they were not diplomatic successes at all, but due to another important branch of our government, wherein such a system as I refer to obtains in the fullest sense, and which never has been invaded by the spoils system, and seldom even by favoritism: I refer to the United States Navy. The employment of the navy in diplomatic missions, is, to say the least, not only very expensive, but hazardous and grave in its

possible consequences. We need not cite the destruction of the *Maine* in the harbor of Havana as an illustration of sending men-of-war on such errands, which missions, even in times of irritated relations, are euphemistically designated "to keep up the usual courtesies of friendly intercourse."

That the navy sent on diplomatic missions has time and again in our history achieved signal successes is largely due, aside from the effective argument of force, to the fact that our commanders, commodores, and admirals grew up in the service for which they were specially trained, and were frequently better trained even in international law and in diplomacy than our diplomatic representatives. In naval diplomacy we naturally recall Commodore Decatur's negotiations with the Barbary States, and Commodore Perry's success in negotiating our first treaty of amity and commerce with Japan, and Admiral Shufeldt, who negotiated our first treaty with Corea. The most notable diplomatic success achieved by us during the last half-century was the treaty of Washington (May 8, 1871) for the adjustment of the "Alabama" claims and all the other unsettled questions between our govern-

ment and Great Britain. Besides providing for the settlement of claims growing out of Great Britain's breach of neutrality during the Civil War, and laying down three most important rules of neutrality, it created "the most important arbitration in which the United States ever engaged, the most august and impressive ever held in the world, and the most lasting in its influence on other nations."² The negotiations which ultimately resulted in success, after the failure of the Johnson-Clarendon treaty and the recall of Minister Motley, were conducted in Washington under the immediate guidance of Secretary Fish, and under the policy approved as it progressed by President Grant. The interesting details leading up to these negotiations, the divergent views and conflicts between Mr. Sumner, the chairman of the Committee on Foreign Affairs of the Senate, and the administration, have recently had new light thrown upon them by Charles Francis Adams in his learned address before the New York Historical Society.³

² Foster's "Century of American Diplomacy," p. 424.

³ "Before and after the Treaty of Washington: The American Civil War and the War in the Transvaal," Charles Francis Adams (1902).

The Court of Arbitration provided for by the treaty convened in Geneva on December 15, 1871. Count Sclopis, who was unanimously chosen president of the tribunal, addressing his colleagues, congratulated them on the felicitous occasion upon which they were for the first time engaged in applying the austere and calm rules of law to the solution of burning questions. He said "the meeting of this arbitration signalizes a new policy, which was henceforth to govern the dealings of civilized nations, that the United States and the United Kingdom were giving an example to other nations which would be prolific of best results."

There are other reasons, besides those mentioned, why important negotiations affecting our country, even under the most approved diplomatic service, must necessarily be transferred to Washington. Because under the Constitution a two-third vote of the Senate is required for the ratification of a treaty, in order to insure favorable action by this co-ordinate branch of the treaty-making power of our government, it frequently becomes expedient for the Executive, through the Secretary of State or directly, to confer with the Senate during the pendency of negotiations. The

most recent example of the expediency of such a course arose in the case of the first Hay-Pauncefote treaty, which failed of ratification by reason of various amendments; and the success which attended the second treaty, which had been framed after consultation with the leading senators, and was promptly ratified. It often requires as much, if not more, diplomacy on the part of the President and Secretary of State to secure the coöperation of the Committee on Foreign Affairs in the Senate than to perfect negotiations with the foreign state. Senator Lodge, in a learned article, "The Treaty-making Powers of the Senate,"⁴ summarizes sixty-eight treaties which have been amended by the Senate, and afterward ratified; but what number have been negotiated and not ratified is not stated. The latter class is large, and represents, doubtless, as much diplomatic ability and skill on the part of our various Secretaries of State and of our ministers at foreign courts as those which were ratified. The discussion of the merits of such treaties, and the reasons that contributed to their rejection, would disclose additional and striking reasons for the removal of our

⁴ *Scribner's Magazine*, January, 1902.

foreign service beyond the shifting phases of politics. Under our present system, when the executive branch of the government and the Senate are not in harmony, or, it may be, when the President and the chairman of the Committee on Foreign Affairs of the Senate are not in accord, the treaty-making powers of the government are suspended. This was the case under President Grant's first administration, when the Senate, under the lead of Senator Sumner, rejected the treaty for the annexation of Santo Domingo as well as the Johnson-Clarendon treaty; and it was also the case in a degree under both the Cleveland administrations. For it must be remembered it only requires a one-third vote in the Senate to defeat a treaty; and, when personal jealousies and animosities are added to party divisions, these can readily array in opposition the required one-third vote and suspend the treaty-making power. The fact that, for reasons growing out of our federated system, our Constitution makes the Senate a coördinate member with the Executive in treaty-making is an added reason why our diplomatic service should be placed beyond partizan control, on the same footing with our naval and

military service as to tenure. In all governments the legislative branch reflects popular excitement and passion. That such is the case in legislation and in matters affecting internal affairs is to be deprecated, but often it is unavoidable; and when these violent and temporary agitations are projected into our foreign relations, it is particularly unfortunate. At times the situation becomes critical, when with a change of administration it leads to the recall of our diplomatic representative and replacing him by a new man lacking both diplomatic experience and acquaintance with the officials and the internal affairs of the government to which he is accredited. This is precisely what has happened on more than one occasion, just at the time when the relations of the two countries were most strained, and when trained experience, which is always desirable, would have been of special value. That this at times might happen under a regulated diplomatic system is true; but, instead of being the rule, it would be the exception, and then only for good cause, and not as now almost always without cause.

That we have in this country so long delayed in taking our foreign service out of poli-

tics is in part also due to the fact that every President has, to a greater or less degree, resisted the pressure from the spoilsmen, and used his own judgment in making the more important appointments. This is more true in respect to diplomatic appointments than to consular offices. I have endeavored to learn the arguments against the reform of the diplomatic and consular service, and against such measures as the Lodge bill now before Congress, but have been unable to find them. The fact is, the opposition is not founded on argument, but on patronage. Patronage does not yield to argument, but only to pressure.

I believe the time is not distant when every new market gained by our expanding commerce will accentuate that pressure, and that the reform, so far as concerns our consular service, cannot be much longer resisted.

The need for the reform of our consular service has been felt for many years. Even so early as 1833, President Jackson, evidently seeing the evils of that spoils system to which he had given such an impetus, endeavored to check it in our foreign relations. In his fifth annual message he said: "I deem it proper to recommend to your notice the revision of our

consular service. This has become an important branch of the public service, inasmuch as it is intimately connected with the preservation of our national character abroad, with the interest of our citizens in foreign countries, with the regulation and care of our commerce, and with the protection of our seamen. At the close of the last session of Congress I communicated a report from the Secretary of State upon the subject, to which I now refer as containing the information which may be useful in any inquiries that Congress may see fit to institute with a view to a salutary reform of the system."

It is not my purpose here to enter into the details of the reforms: these are very clearly understood, and have been variously formulated in bills presented in Congress. This much, however, I wish to say: we should make our diplomatic system coöperative, which at present it is not. By that I mean there should be a system such as other nations have, whereby every head of a mission is advised of all negotiations pending at home and at other capitals affecting the United States, so as to be on the alert, and be mutually helpful with such information as is frequently obtainable at

capitals other than the one where the negotiations are pending. The British Foreign Office does this by a system of blue-prints, or confidentially printed sheets set up in the Foreign Office, and regularly forwarded to its heads of missions throughout the world. This is at most only a detail, but, from my limited experience, it appears none the less important.

Another suggestion I would make is that we should adopt the system of commercial attachés—that is, commercial experts attached to our principal diplomatic posts—to study and report upon the industrial development and commercial trend of affairs in foreign countries. It is true, we have an excellent system of consular reports; and they are very helpful. These should be continued, and should supplement the investigations by the commercial attachés, who should invariably be high-class experts. But, so long as the spoils system dominates, we could not hope that they would escape the defects of partizan appointment and uncertain tenure.

General Boulanger, who was sent here to represent the French army and government during our Yorktown celebration in 1876, told

me he was invited to visit our fortifications. While in California, General Sherman showed him some of our fortifications on that coast, and asked the general what he thought of them. Boulanger said he found the fortifications very antiquated, but that he replied to General Sherman they were the best in the world, because, he added, no country has such magnificent ditches as the Atlantic and the Pacific. I am not competent to pass an opinion whether our fortifications are still antiquated; but I do know that peaceful arm of our government, the diplomatic and consular system, which often serves as do the ditches, and as a guard against making enemies, is antiquated and badly needs modernizing, and that this can be done with little or no added expenditure.

In concluding these observations on our diplomacy, which, from the nature of the subject, had to be desultory, I will quote from that distinguished authority on international law, Professor John B. Moore. He says: "With the growth of power and the extension of boundaries there has come an increase of national responsibilities. . . . It remains for us to carry forward, as our predecessors have car-

ried forward, the great work thus begun, so that at the close of another century the cause of free government, free commerce, and free seas, may still find in the United States a champion." ⁵

⁵ "A Hundred Years of American Diplomacy," by John Bassett Moore (1900).

VIII

THE UNITED STATES AND RUSSIA

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NAPOLEON said: "History is a fiction agreed upon." This definition is more applicable to diplomatic history than to any branch of the science, for the reason that diplomacy has so many undercurrents whose sources are concealed from the public eye. It is doubtless due to the Machiavellian spirit which guided the diplomacy of nations for so many years that, even in the most authoritative histories, we so often find the accounts of diplomatic relations given, not as they were, but as the adroit schemers intended they should appear.

The Kishinef massacres in April, 1903, caused a mighty storm of protest in this country. The protests voiced by pulpit, press and mass meetings, were resented by the Russian Ambassador at Washington and by the official classes in St. Petersburg, on the plea that the United States was under repeated obligations

of gratitude to Russia because of her "traditional friendship" for us, from the very beginning of our national history until the present time. Many articles appeared in the daily papers referring to this "traditional friendship," and urging that the American public should at least refrain from siding with the enemies of Russia, however appalling might be the rule of the Russian bureaucracy. An article appeared in the principal Russian paper of St. Petersburg, the *Novoe Vremya*, headed "Russia in America," translated as follows:

The United States from time to time enters the arena of anti-Russian propaganda, which find favorable soil in its politically unripe population, without government traditions, and carried away by the successes of its new imperialistic policy. The Siberian prisons, the Manchurian open door, the Kishineff disorders—all these serve as pretexts for the anti-Russian meetings so advantageous to Russia's enemies, while Secretary Hay's stubborn Anglophilism lends governmental importance to the claims of the various groups of American traders and missionaries in the Far East . . . The Russian Foreign Office should publish in English a sketch of the relations between the Russian and American governments, beginning with the time of Catharine and ending with the Spanish-American war.

When the Monarch was the State, and when the Monarch's attachments, antagonisms or desire for revenge were the controlling factors in international relations, the ruler's commands were supreme, and the national conscience had to bend to his will. But, even if the traditional Russian claim upon the gratitude of the United States were well founded, the enlightened spirit of our age could not recognize that as a plea in bar against our condemnation of shocking wrongs, or against our withholding our sympathies for the oppressed.

International relations among the modern states are primarily based, not upon sentiment or gratitude, but upon self-interests, modified by a sense of justice and right. However, we are not here concerned with speculations, but with historical facts. Let us see what these facts are.

Under Catharine II, a scheme was formed in 1779, when we were in the most trying period of our Revolution, for Russia's giving George III effective assistance against us, on condition that the English should aid Russia in renewed attacks upon the Turks. A part of this program was, that the Island of Minorca was to be ceded by England to Russia as a

station for the Russian fleet in the Mediterranean, and as a rendezvous for the insurgent Greeks. This project was drawn up by Catharine's chief adviser, Count Potemkin, for presentation to the British Ambassador at St. Petersburg; but, through the adroitness of Count Panin, Catharine's Minister for Foreign Affairs, who favored the French interest as against the English, the scheme fell through, thereby causing the Empress to adopt the anti-British policy of armed neutrality. The nature of Russia's friendship for us at this period, when we were most in need of the friendly offices of foreign nations, is disclosed by Benjamin Franklin, who was then in Paris as one of our Commissioners to negotiate peace with Great Britain. He describes with what friendly satisfaction Russia had learned of the recognition of our independence by the States General of Holland. I quote from his journal:¹

"This day" [June 9, 1782] "I received a letter from Mr. Dana dated at St. Petersburg, April 29th, in which is the following passage: 'We yesterday received the news that the States General, on the 19th of this month, acknowledged the independence

¹ Franklin's Works, edited by Bigelow, Vol. 8, p. 89.

of the United States. This event gave a shock here, and is not well received, as they at least professed to have flattered themselves that mediation would have prevented it, and otherwise brought on a partial peace between Britain and Holland.' "

Mr. Francis Dana, afterward Chief Justice of Massachusetts, was at this time our accredited Minister to Russia. He remained there about two years asking to be recognized; but Russia refused to receive him or to recognize the independence of our country, and this, too, although the preliminaries of peace had been signed nine months before. At last Dana, in September, 1783, being unsuccessful in his efforts to secure recognition, or to have Russia recognize the independence of our country, obtained permission from Congress to return home.

Some years ago, when Eugene Schuyler was Secretary of Legation at St. Petersburg, he made some investigation for George Bancroft, the historian, and copied and translated some of the diplomatic correspondence under the reign of Catharine II.² At this time Count Osterman was Vice-Chancellor, and Prince

² See Bancroft papers, *America, Russia and England*, Vol. 2, Lenox Library.

Demetri Gallitzin was Russian Ambassador at the Hague. Information reached St. Petersburg from the Russian Ambassador that Mr. Adams had been received as United States Minister. The Vice-Chancellor writes to the Ambassador (May 6, 1782):

Now that their High Mightinesses have proceeded to the formal recognition of Mr. Adams as Minister Plenipotentiary from the United States, I must instruct you that Her Imperial Highness does not wish any demonstration on your part that can lead to the presumption that she approves of this step. You must then abstain from receiving or paying visits either to Mr. Adams, or to any other person accredited from the Colonies which are separating from Great Britain.

As a further evidence of Catharine's feeling toward America, I will cite the following: About this time a portrait of Washington was sent from the Hague in the Russian despatch-bag to Francis Dana, who was then at St. Petersburg, doubtless as a courtesy to Mr. Adams. On the receipt of the bag at the Russian Foreign Office, Count Osterman returned the portrait to Prince Gallitzin, the Ambassador at the Hague, with a sharp letter in which he says: "With your despatch came a portrait

of Washington to be delivered to one Dana, an American gentleman here; but as this man is not known to Her Imperial Majesty or Her ministry, you are commanded by Her Majesty to return it to the source from which it reached the courier, together with documents accompanying it."

From the same source we learn that, on May 15, 1780, Sir James Harris, British Ambassador at St. Petersburg, writing to Viscount Stormont, the British Secretary of State, after referring to an interview he had with Prince Potemkin, declared that the Prince suggested that the Secretary of State should ask the Empress to mediate between Great Britain and her enemies, and acquaint her "with the terms on which you wish for an accommodation for America . . . and you may depend not only on her not betraying you, but be almost certain that she will begin by being your mediator, and, if she does not succeed, end by being your ally."³ This throws a direct light upon the motives underlying Catharine's desire to become a mediator, which has been made much of even by some American histor-

³ Bancroft papers, Vol. 2.



ians. John Fiske, in his "American Revolution," says:

At the beginning of 1778 Sir James Harris, afterwards Earl of Malmesbury, was sent as Ambassador to St. Petersburg, with instructions to leave no stone unturned to secure an offensive and defensive alliance between Russia and Great Britain, in order to offset and neutralize the alliance between France and the United States. Negotiations to this end were kept up as long as the war lasted, but they proved fruitless. While Catharine coquetted and temporized, the Prussian Ambassador had her ear. . . . The weight of France was, of course, thrown into the same scale, and for four years the Russian Court was the scene of brisk and multifarious intrigues. . . . From Prince Potemkin, one of Catharine's lovers, whose favor Harris courted, he learned that nothing short of the cession of Minorca would induce the Empress to enter into this desired alliance. Russia was already taking advantage of the situation to overrun and annex the Crimea; and the maritime outlook, thus acquired, made her eager to secure some naval station on the Mediterranean. Minorca was England's to give. . . . It was not, however, until 1781 that the offer of Minorca was made, and then Catharine had so far acceded to the general combination against England that she could not but refuse it.⁴

⁴ John Fiske, "The American Revolution," 1897, Vol. 2, p. 143. W. Eton, in "A Survey of the Turkish Empire"

Before this time, in 1776, as very close relations existed between Great Britain and Russia, it was much feared that Great Britain would be able to draw troops from Russia to serve against the Colonies. That there was ground for this fear is evidenced by a resolution, passed by the Continental Congress (December 30, 1776), instructing our commissioners in Europe to guard against this contingency. The resolution is as follows:

That the commissioners be respectively directed to use every means in their power . . . for preventing German, Russian and other foreign troops from being sent to America for hostile purposes.⁵

General Sir William Howe wrote from New York (November 30, 1776) to Lord George Germain that a reënforcement of 15,000 troops was needed, "which I hope may be had from Russia, or from Hanover, or from other German States."⁶

Theodore Lyman, the best of our early (London, 1798), says: "The Empress, and particularly Potemkin, were very anxious to obtain from His Majesty a cession of the Island of Minorca, which was intended as a station for her fleet, and a rendezvous for the Greeks," p. 423. See also *Diaries and Correspondence of Sir James Harris, First Earl of Malmesbury*, Vol. 1, pp. 345, 359, 363.

⁵ American Archives, fourth series, Vol. 3, p. 1617.

⁶ *Ibid.*, p. 926.

writers on our diplomacy, says in reference to Dana's mission at St. Petersburg, and the refusal of the Empress to recognize him, that the conditions upon which she undertook to receive Dana were more severe than England herself exacted:

They amounted to this: "Strike off seven years of your independence; confess that you owe your independence to the English acknowledgment; annul all acts of sovereignty prior to that time—all Commissioners and Ministers—treaties with France and Holland; and then you will be in a condition to present yourself at the Court of St. Petersburg."⁷

The Continental Congress, in sending Dana to St. Petersburg, hoped to enter into the armed neutrality which Russia was organizing; but, as Dana was absolutely ignored, Congress, in May, 1783, adopted a resolution to the effect that, though it approved the principles of armed neutrality founded on the liberal basis of a maintenance of the rights of neutral nations and of the privileges of commerce, yet they are unwilling at this juncture to become a party to a Confederacy which may hereafter too far complicate the interests of the United States with the politics of Europe.

⁷ "Diplomacy of the United States," by Theodore Lyman, Jr., Vol. 1.

This resolution is in reality the foundation of the policy which has controlled the foreign relations of the United States, and it was subsequently formulated by Washington in the language so familiar to American ears, "Friendly relations with all, entangling alliances with none." As Lyman says, this is the only instance in the history of the country in which the United States volunteered, themselves, to become a party to a league of sovereigns in Europe. While the principles adopted by the Northern Confederacy were exceedingly grateful to the American government, and a proposal to join it was considered an effectual mode of hastening the acknowledgment of independence, in reality it was fortunate that Dana did not succeed in his mission. Francis Wharton, editor of the *Diplomatic Revolutionary Correspondence*, concludes: "That Catharine was resolutely averse to the American cause until after the definitive peace, there is now no question."⁸

Reference is frequently made to the Russian offer of mediation in 1813 to procure a peace

⁸ See "Revolutionary Diplomatic Correspondence of the United States," edited, under the direction of Congress, by Francis Wharton (Government Printing Office), Vol. 8, pp. 213, 425; Vol. 1, p. 265, etc.

between the United States and Great Britain, and this incident is cited as a proof of Russia's friendly interest in the welfare of our country. It must be remembered, however, that at that time she was closely leagued with England in the sixth celebrated coalition against France. The trade of the Baltic was greatly embarrassed, and the Russian Emperor looked upon this war with great regret as opposing the commercial prosperity of the Russian nation. M. Daschkoff, the Russian Minister, said:

The peace of Russia with England seemed to present this immense advantage to the commerce of nearly all seafaring people, that it freed their relations from that constraint, from that continual vexation to which it had been subjected for many years without interruption.⁹

The mediation was declined by Great Britain. Russia was at that time in alliance with England, her interests were to do all in her power to bring about peace for the benefit of her commerce. In view of these facts, it can hardly be held that she was actuated by the spirit of friendship for the United States in her desire to become mediator. On the con-

⁹ Lyman's Diplomacy, Vol. 1, p. 436.

trary, the real explanation of her friendly interest lies in the fact that, Alexander being at that time in alliance with England to counteract the power of Napoleon, and fearing an attack from him, Russia naturally desired that her ally, England, should be freed as speedily as possible from the American war, so that she might give her aid to Russia in repelling Napoleon. This view of Russia's interest was confirmed by Robert Goodloe Harper, United States Senator from Maryland, in his speech in Philadelphia in 1813. He said:

England and Russia therefore stood alone. England could spare nothing for the direct assistance of Russia except the coöperation of a fleet in the Baltic. Such was the situation of Europe about the moment of attack; and the war which, at the same moment, was declared by the United States against England was so timed, whatever might have been the intention of the authors, as to have the effect of direct and not inconsiderable coöperation with France. . . . This was a great loss to Russia.¹⁰

Frequent reference is made to Russia's friendly attitude to us during the Civil War, and to her sending several war-ships to the

¹⁰ Harper's Speech. Pamphlet—Commemoration of Russian Victories (Philadelphia, 1813).

Atlantic and to the Pacific with "sealed instructions." Much has been made of this, but, even if such instructions existed, is there any basis for the conclusion that they were for any other purpose than to offset England—in other words, that her actions toward us even during the Civil War, were but moves made by her upon the chessboard of European diplomacy? This is borne out by Gideon Welles, who records in his *Diary* (I, 480): "The Russian Government has thought proper to send its fleet in American waters for the winter. A number of their vessels arrived at the Atlantic seaboard some weeks since, and others in the Pacific have reached San Francisco. It is a politic move for both Russians and Americans and is somewhat annoying to France and England."

A recent writer, referring to this, says that Prince Gortchakoff, Chancellor of the Empire, had demanded from the signatory powers of the Treaty of Paris (1856) the abrogation of the clause of the Treaty which prohibited Russia from maintaining an armed navy in the Black Sea. England and France strongly opposed this. The Chancellor, in reply, sent what came very near to being an ultimatum,

and fearing that this act would be followed by hostilities, despatched a portion of his fleet into neutral waters, so that it would not be bottled up for destruction, as had once been the case when Russia's fleet was in the harbor of Sebastopol. This same writer declares that Russia at that time was without an ally in Europe; that Nihilism was rampant; that the nobility was secretly plotting against the life and throne of the Tsar; and that the fleet was sent to the American waters for its own protection, and not for the benefit of the United States.¹¹ Be that as it may, why was the knowledge of the existence of such instructions kept from our Government, and why do not the records disclose, as would be natural under such circumstances, what those mysterious "sealed instructions" were, and what purpose the ships were to serve? That Russia was our friend during the Civil War, in the same way that almost all other European powers were our friends, is true. Turkey was among the first of the powers to show positive friendship for us during the Civil War. She

¹¹ Pamphlet—"A Brief Review of Russia's Relations with America," by a Russian-American Diplomat (Washington, 1903).

interdicted pirates in the service of the Confederacy, making depredations upon the commerce of our country, from entering the ports of the Turkish Empire. This was recognized by Secretary Seward in his despatch to E. Joy Morris, then our Minister to Turkey when on June 2, 1862, he wrote:

The President received with profound satisfaction the decree of His Majesty the Sultan interdicting the entrance of pirates engaged in depredating upon our commerce into the ports of Turkey. . . . Nor is the proceeding any the less entitled to our grateful acknowledgments because the piratical operations of the insurgents, such as they have been, have already been brought to an end. It will, on the contrary, be to the honor of the Sultan that he took the lead in conceding to the United States rights which it is now expected will soon be conceded by all the other maritime powers . . . The Turkish Government has been singularly just and liberal towards us in this emergency.

That the Russian squadron came here in 1863 on a mission to aid the United States is both an afterthought and a myth. If the squadron had come here upon any such mission, would not our Government have placed on record its acknowledgment for this great act of friendship? On the contrary, Russia

was very profuse in the expression of her thanks to us for the hospitable reception given to the fleet and its officers.

Cassius M. Clay, our Minister to St. Petersburg, in his despatch to Secretary Seward of November 8, 1863, said that His Majesty the Emperor was "now absent, but no doubt he would on his return make suitable acknowledgments to our Government of the amicable reception of his subjects at New York"; that the Russian officers had "always been gratified to meet those of the American Navy, and they would be most happy, should any ships of war visit Cronstadt, to reciprocate the late courtesies extended to their countrymen."

When the Russian fleet arrived, Gideon Welles, Secretary of the Navy, wrote to Baron Stoeckl, the Russian Minister at Washington, a letter which shows that the visit was one of courtesy only:

NAVY DEPARTMENT, *September 23rd, 1863.*

The Department is much gratified to learn that a squadron of Russian war-vessels is at present off the harbor of New York, with the intention, it is supposed, of visiting that city. The presence in our waters of a squadron belonging to His Imperial Majesty's navy cannot but be a source of pleasure

and happiness to our countrymen [*sic*]. I beg that you will make known to the Admiral in command that the facilities of the Brooklyn Navy-yard are at his disposal for any repairs that the vessels of his squadron may need, and that any other required assistance will be gladly extended.

I avail myself of this occasion to extend through you to the officers of His Majesty's squadron a cordial invitation to visit the Navy-yard. I do not hesitate to say that it will give Rear-Admiral Paulding very great pleasure to show them the vessels and other objects of interest at the Naval station under his command.¹²

After our Minister met the Emperor, he again reported to Mr. Seward, on August 22, 1864, as follows:

His Majesty told me that he had allowed his officers lately in the United States to call upon me *en masse*, and express their gratitude for the courtesies extended to them in America, all of which was evidently as a national compliment.

France endeavored to bring about a joint mediation, and invited Russia and England to unite with her in the attempt, and Russia refused, but that refusal was given after, and not before, England had refused. Bayard Taylor,

¹² This letter, from the files of the Navy Department, was published in the New York *Evening Post*, April 18, 1904.

who was acting as Chargé at St. Petersburg, in a despatch, dated November 15, 1862, to Secretary Seward, fully confirms this. He wrote as follows :

While I infer from the above that Russia would, to a certain extent, be inclined to take part in a movement which she foresaw to be inevitable on the part of England and France, rather than permit a coalition between these two powers from which she should be wholly excluded, the probable refusal of the English Government, announced to-day by telegraph, relieves me from all apprehension of complications that might arise from the proposition. I stated to Prince Gortchakoff, at our recent interview, my belief that England would not accede, and am very glad to find it so soon confirmed.

Further corroboration of this view is contained in a later despatch from Mr. Taylor to Secretary Seward, under date of December 17, 1862, in which he said :

Mr. Adams having communicated, in answer to my confidential letter, an encouraging statement of the present attitude of England, I took occasion, in an interview which I had with Prince Gortchakoff last week, to read him some portions of it. This led to a renewed conversation upon American affairs, and it was very soon evident to me that the anxiety which His Excellency had manifested on

previous occasions was beginning to subside. He still inquired whether some arrangement with the insurgents which would put an end to the war was not possible.

Henry Clews, in an article in this REVIEW in 1904, published a letter to him from Mr. Gladstone touching upon the attitude of the English Cabinet during our Civil War, which completely refutes the charge that England would have intervened in favor of the Confederacy but for the friendship of Russia toward us. The letter bears date May 30, 1889, and is as follows:

As a member of it [the English Cabinet], and now nearly its sole surviving member, I can state it never at any time dealt with the subject of recognizing the Southern States in your great Civil War, except when it learned the proposition of the Emperor Napoleon III, and declined to entertain that proposition without qualification, hesitation, delay, or dissent. In the debate which took place on Mr. Roebuck's proposal for that negotiation, Lord Russell took no part, and could take none, as he was a member of the House of Lords. I spoke for the Cabinet. You will, I am sure, be glad to learn that there is no foundation for a charge which, had it been true, might have aided in keeping alive angry sentiments happily gone by.

But there is another side to this story, which, to use a common phrase, puts the boot on the other leg.

In the beginning of 1863, affairs in Russia were in a very precarious state. An insurrection in Poland had broken out to such a degree that considerable agitation was felt in all Europe. The French Minister of Foreign Affairs invited Great Britain, and subsequently the United States, to join with France in bringing about a cessation of hostilities.

In accordance with our policy of strict neutrality and of not mixing with the affairs of European states, Mr. Seward gave a courteous declination to this invitation. This declination produced such satisfaction in Russia that Prince Gortchakoff published his reply to our Minister in the Russian press. I quote a few passages therefrom:

May 22nd, 1863—I lost no time in laying before the Emperor, my august master, the despatch which you have communicated to me by order of your Government, and which contains the answer of Mr. Seward to Mr. Dayton, relative to the recent application of the French Government upon the subject of events in the Kingdom of Poland. His Majesty the Emperor has been sensibly moved by the sentiments of confidence which the Government of the

United States places in his views and designs in regard to the general well-being of his Empire. Such manifestations must strengthen the bonds of mutual sympathy which unite the two countries, and constitute a consummation which too much accords with the aspirations of the Emperor for His Majesty not to look upon it with pleasure.

The insurrection in Poland at that time was occupying much more of the attention of the cabinets of Europe, including Russia, than our Civil War. Our Minister in Paris, Mr. Dayton, in his despatch to Mr. Seward of February 23, 1863, reports:

The insurrection of Poland has driven American affairs out of view for the moment. A disturbance on the Continent, especially in Central Europe, is so near at hand, and touches the interests of so many of the crowned heads of these countries, that distant events fall out of sight until these more immediate troubles are settled.

Mr. Clay, in his despatch of November 8, 1863, says:

The Russian reception in American waters is the subject of conversation in all circles; and the gentry and the common people seem alike to understand and feel the friendly demonstration made at this time, when France, England and Austria are attempting, under the pretence of national justice,

to put them under the ban of Christendom for defending the integrity of their Empire.¹⁸

It has frequently been declared by Russia that her sale to us of Alaska was made out of friendship for this country. That is another myth. Charles Sumner, who was chairman of the Committee on Foreign Affairs in the Senate when the Alaska treaty came up for ratification, in his great speech in support of the treaty, under the heading "Reason for Cession by Russia," said:

Turning from the question of title which time and testimony have already settled, I meet the inquiry, Why does Russia part with possessions associated with the reign of her greatest ruler and filling an important chapter of geographical history? Here I am without information not open to others. But I do not forget that the First Napoleon, in parting with Louisiana, was controlled by three several considerations. First, he needed the purchase-money for his treasury. Secondly, he was unwilling to leave this distant unguarded territory a prey to Great Britain, in the event of hostilities, which seemed at hand. And, thirdly, he was glad, according to his own remarkable language, 'to establish forever the power of the United States, and give England a maritime rival that would sooner or

¹⁸ Foreign Relations, 1863, MS. Archives, Department of State.

later humble her pride.' Such is the record of history. Perhaps a similar record may be made hereafter with regard to the present session. There is reason to imagine that Russia, with all her great empire, is financially poor, so that these few millions may not be unimportant to her. . . . It will be for her advantage not to hold outlying possessions from which thus far she has obtained no income commensurate with the possible expense for her protection.

Sumner, the statesman and the author of "Prophetic Voices Concerning America," was certainly correct and almost prophetic in this instance, for, with the acquisition of Alaska, the United States did undoubtedly purchase serious and threatening boundary and fishery complications with Great Britain, which only recently were happily settled by arbitration.

It will be remembered that Russia was the dominant power in the so-called "Holy Alliance," whose purpose was to suppress all forms of popular uprisings, to crush the spirit of liberty in the Central and South American Republics, and ultimately, as a logical consequence, to dominate a large part, if not the whole, of the American Continent.

Russia's relations to the Monroe Doctrine were not confined to her primacy in the "Holy Alliance." In the autumn of 1818, J. B. Pro-

vost, the American Commissioner who had been sent out by the President to receive the formal delivery of Astoria, stopped on his return at the port of Monterey, in California, and while there prepared the report of his mission. In this report he informed the President of an incident that he regarded as most serious—which was that, until 1816, the Russians had no settlement south of the fifty-fifth degree. But in that year, very probably because of Humboldt's glowing description of that region, she had established two colonies, one at Atooi in the Sandwich Islands, and the other on the coast of California, a few leagues from San Francisco.

In February, 1822, the Russian Minister at Washington, Chevalier Pierre de Politica, placed in the hands of the Secretary of State an edict of the Emperor Alexander to the effect that all rights of commerce, industry and fishing on the Northwest coast of America, from Bering Strait to the fifty-first degree, were exclusively granted to Russian subjects. Foreign vessels were, therefore, not only not to land on the coast and islands, but not even to come within one hundred Italian miles. The subject was renewed by Politica's successor,

Baron de Tuyl; and, one day in July, 1823, when he called at the State Department, Adams announced to him "that we should contest the right of Russia to any territorial establishment on this continent, and that we should assume distinctly the principle that the American continents are no longer subjects for any European colonial establishments."

According to McMaster, from whose excellent chapter on the Monroe Doctrine I have drawn the following statement, when the time came for Monroe to write his annual message to Congress, three distinct matters required the President's serious attention: "the attempt of Russia to colonize in California and her selection of the fifty-first degree of north latitude as the southern boundary of Alaska; the threatened intervention of the Holy Alliance in the affairs of South-American Republics; and the proposition of Canning for a joint declaration against them."¹⁴ The Cabinet held meeting after meeting to discuss these matters; they had before them the opinions of the two living ex-Presidents, Jefferson and Madison. What was done Adams himself best describes:

¹⁴ "With the Fathers," by John Bach McMaster, pp. 1-54.

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I remarked that the communications recently received from the Russian Minister, Baron de Tuyl, afforded, I thought, a very suitable and convenient opportunity for us to take our stand against the Holy Alliance, and at the same time to decline the overture of Great Britain. It would be more candid, as well as more dignified, to avow our principles explicitly to Russia and France, than to come in as a cockboat in the wake of the British man-of-war. This idea was acquiesced in on all sides.

It follows as a conclusion that such reasons for gratitude as we may have to Russia are not for her friendly, but for her hostile, attitude toward us, in that these important incidents were mainly the cause of our formulating and announcing to the world our far-seeing continental policy.

I have endeavored to present briefly the results of a careful examination of all accessible authentic and reliable data bearing upon the relations of the two countries, from the reign of Empress Catharine II to the present time. The inferences and conclusions from these facts are clear, that, with the exception of Russia's hostile or unfriendly attitude during the earlier years of our history, when the United States was struggling for recognition as an independent nation, and the "Holy Al-

liance" incident, the relations between Russia and the United States have been uniformly normal and friendly; each nation, as against the other, on all occasions and during periods of war, has strictly observed its neutral obligations, as was incumbent upon it under the laws of nations between friendly powers. To infer that the United States is under obligations of gratitude to Russia for any special acts of friendship shown, other than such as the laws of neutrality have imposed, is to substitute a myth and the fulsome language of ceremonial functions for historical facts.

IX
OUR COMMERCIAL AGE



IX

OUR COMMERCIAL AGE

GEORGIA was founded in a military age, and no colony in ancient or in modern times had a nobler beginning or a more philanthropic founder than the colony of Georgia. His was the first great effort to alleviate the social and economic condition of the poorer classes. The people whom the great Oglethorpe brought with him, and those who followed in his path, had been racked and crushed—some by economic oppression, others by religious persecution. The colonists, though coming from different countries of the old world—Britons, Moravians, and Salzburgers—were welded together by a common heritage of suffering. By the direction of Oglethorpe, both slavery and rum were prohibited. Savannah began as a dry town, and it has recently reverted, in honor of the principles of its founder, to its primeval dryness. So history repeats itself. Oh, what woes unnum-

bered might have been spared the whole Southland if the cardinal principles of Oglethorpe could have been preserved and extended. He knew, aside from all humanitarian considerations, what slavery and militarism meant. They dignified idleness, and degraded productive occupations. One of the greatest blessings of our industrial and commercial age is the fact that it has dignified labor, and in dignifying labor has unlocked the mainspring of personal initiative, energy, and enterprise, which lie at the basis of our wonderful growth and prosperity.

The example of the people of the United States, not only in the liberty they enjoy but in enfranchising the workingman, and in giving him the material rewards of labor, as well as the honors that true merit deserves, has wielded a powerful influence in every civilized land. Barons, counts, dukes, and lords come to us from foreign lands, craving the hands of the fair daughters of our captains of industry, and do not reject the millions that their fathers, the horny-handed sons of toil, have accumulated.

Our age and generation are preëminently commercial, and the people of the United

States are in the forefront, both in the rewards they reap and in the prosperity they enjoy. The spirit of commerce has contributed more than all other causes toward bringing together the various sections of this great nation, which, in its growth and development, in its necessities and expansion, has wiped out sectionalism and made us one united people.

The classes engaged in industry and commerce, says the historian Lecky, have been the steady supporters of English liberty. Yes, commerce in its modern development is based upon mutuality, and every ship that carries its products to foreign climes is a messenger of peace and good will. Commerce thrives along the highways of peace, and it speaks the universal language of peace. No agency is working more steadily toward the ideals of international peace than the agencies of commerce. Appreciating all this as I do, and appreciating also the fact that the ideal condition for all nations would be to save the millions they are now spending on armies and navies and use them in promoting the economic welfare of the masses; yet so long as other nations, though progressing toward that ideal, are far from its realization, a great country

such as ours, with a tremendous seacoast and with great international interests, can best serve the cause of peace and hasten the ideal condition by a navy adequate in strength and efficiency to give it the proper weight in the promotion of peace in the council of nations.

We say the North and the South, the East and the West—their interests are one economically, politically and commercially. It is that reason, and because of this commercial expansion, with the network of railroads running from the Atlantic to the Pacific and from the Lakes to the Gulf, carrying the products of the mines, the farms, and the factories from ocean to ocean, which cross both oceans to the markets of Europe and the Orient, that has necessitated a wider interpretation of the commerce clauses of the Constitution than was required or foreseen by those who carried on the infant industries of the thirteen original States. To restrict those clauses to the conditions that existed when the Constitution was adopted would discredit not only the wise statesmanship of our day but the spirit and prophetic vision of the founders of our Republic, who boldly led the way in expanding our national domain, by reason of which we have

grown from a nation of three millions to a nation of ninety millions in the course of four generations. This tremendous growth, the greatest marvel in national development, has brought in its train great duties and great responsibilities. The generations that have gone before us have organized and developed equal rights throughout the length and breadth of the land. Our care must be that the gateway of opportunity to these blessings shall not be obstructed, by either the tyranny of capital or the tyranny of labor.

The commercial development of the South, as distinguished from the production of agricultural staples, is of comparatively recent growth, and for that reason it is all the more remarkable. Since 1870 the railways of the South have grown from 12,500 to 61,600 miles; in other words, they have practically quintupled in length, while those of the other parts of the United States have only quadrupled. Take the cotton manufacturing industry. In the same period of time it grew from eleven millions to one hundred and sixty-three millions. In the same period the value of all manufactures produced in the South has grown from two hundred and seventy-eight


millions to 1,526 millions, nearly double as much in percentage as the rest of the country. In the period from 1900 to 1906, the number of national banks and individual deposits in national banks have increased more than one hundred per cent, while the deposits in the banking institutions of the country as a whole have increased only eighty per cent. In the State of Georgia the growth has been equally gratifying. The value of cotton manufactures from 1870 to 1905 grew from three and one-half millions to thirty-five millions, and the total value of manufactures during the same period grew from thirty-one millions to one hundred and fifty-one millions; and the value of exports passing out of the port of Savannah from thirty millions in 1870 to more than sixty-three millions in the fiscal year 1907.

I have referred to this, not to glorify your greatness, but rather to direct attention to future possibilities. Great as this growth has been, Georgia's opportunities for the future will certainly be largely increased by the construction and opening of the Panama Canal. The market for cotton goods in Latin America amounts to one hundred millions a year,

and with the opening of that canal the entire Pacific frontage of Latin America, the total imports of which amount to more than six hundred millions, will present attractive markets.

Another important matter, in this connection, is deserving of immediate attention. We may have the products of the farm and the factory in abundance; we may spend millions upon waterways and upon harbors, and millions again upon what will prove to be the greatest and most far-reaching commercial enterprise that any nation has ever undertaken—the construction of the Panama Canal—but the benefits from them will never adequately flow to us unless we control the means of transportation to carry our products and our mails in our own ships, under our own flag, by the most direct route to the markets that we seek to cultivate.

Commerce is reciprocal, and the ships that go to the South and Central American markets to carry the products that we sell must return with products which the people of those countries sell to us. All the great maritime powers, whether their economic policy is free trade or protection, create and maintain



fast freight and fast passenger lines to their foreign markets by means of liberal postal payments. Sixty years ago, when our commerce was insignificant, President Polk recommended subventions, and Congress granted them. These subventions were, on a moderate and limited scale, reëstablished in the postal law of 1891, and what is demanded now is that that postal law be extended so that our commerce and our passengers will not be compelled to go to the markets on this continent by way of Europe, and by twice crossing the Atlantic Ocean. There is a bill before Congress, the purpose of which is to extend this subvention so as to make it effective in reaching the markets on this continent and along the Pacific Ocean, namely, to give the same postal subvention that is provided for under the law of 1891 and adapt it to ships that ply in those waters, or, in other words, to give four dollars a ton per mile to vessels of the second class on routes 4,000 miles or more in length, outward voyage, to South America, to the Philippines, to Japan, to China, and to Australasia. To accomplish this will require no more than the profit that the Government is now making on its foreign mail contracts.

The actual cost to the Government last year of the ocean-mail service to foreign countries, other than Canada and Mexico, was in round numbers three million dollars, while the proceeds realized by the Government from postage between the United States and foreign countries, other than Canada and Mexico, was a little in excess of six millions, leaving a profit of a little more than three million dollars per annum. The commerce of the country yields to the Government this three million dollars in postage alone, and all that is asked is that this three million dollars be devoted to extending the commerce of the country in American bottoms sailing under the American flag. This is the commercial end of the proposition.

The need of auxiliary vessels in time of war for military service is indispensable, both for the Army and for the Navy. Not many months ago it became necessary to dispatch a small force of American troops to Cuba. They were sent under the British flag. The peaceful and magnificent voyage that our powerful fleet of warships is now making from the Atlantic to the Pacific would have been impeded, if not made prohibitive, unless we

had secured the shelter of foreign flags to carry the necessary coal.

This is not a party question in any sense of the word. It is a question affecting the commerce of the entire country, its mail service, and the necessities of the nation, and of insuring adequate naval protection in time of war.

In the old South the industries were chiefly agricultural, and therefore were sectionalized. But the new South is fast developing its manufacturing possibilities and nationalizing its industries, and its commerce is an integral part both of the domestic commerce of the nation and of our commerce with the world. It has been truthfully said that the scepter of nations has passed from camps to commerce, and is controlled, not by the booted and spurred captains of dragoons, but by the captains of capital and enterprise.

For many years past the greatest commercial nations of the world, recognizing that not only the power of the nation but the well being of the people depends upon its industries and its commerce, have encouraged by liberal appropriations a close and coöperative relationship between governmental agencies and

commercial organizations. The Department over which it is my privilege to preside was established in 1903, in response to that same purpose to afford such help as the Government can properly give to the encouragement and development of commerce at home and abroad. With the view of making that coöperation practical and effective, I summoned to Washington for consultation delegates from commercial organizations in the larger cities of the country. Several of the commercial cities of the South were represented at that conference, and the plan developed was to organize a National Council of Commerce, representing every section of the country and every industrial and commercial organization, with a bureau at Washington, under capable administration, which should be in constant touch with those governmental departments, such as the Department of Commerce and Labor, the State Department, the Interior Department, and the Department of Agriculture, which come into direct touch with the industries of the country and with its domestic and foreign commerce. No country has more enterprising, more capable, or better trained men in its business and its commerce

than we have, and therefore all the greater is the need that there should be a close relationship between the Government and the commercial bodies of the country, for the advancement and development of its great business interests. We require a body such as Great Britain has, such as Germany has, which, when it speaks, voices the true commercial interest of the country, unhampered by selfish interests or sectional claims, or political limitations.

For the proper development of our industries we need an adequate supply of the best kind of labor, and in order to obtain that supply we must make the standard of wage attractive to that class, to the skilled and enterprising immigrants that continually come to us from foreign shores. It is rather the vogue now to speak against the immigrant and immigration, forgetting what we are and what we owe to the twenty-five million willing workers that have come to us in the past hundred years to develop the great possibilities of this country and make us the great nation that we are. All honor to the descendants of the Puritan and Pilgrim fathers; but in honoring them let us not withhold our high ap-

preciation and meed of praise for the immigrants who have come to us in the succeeding decades. They and their children, in peace and in war, have proved no less true and noble Americans than those who preceded them in time but did not surpass them in the love of our common country. Yes, we welcome the immigrant to our country, the self-respecting and honest-minded alien, no matter from what country he comes, who is willing to share with us not only the blessings but also the duties and responsibilities of our great country; but they, as well as all our people, must understand that in this land of liberty, equality, and justice there is no room for socialism, communism, collectivism, or any other form of "ism" than Americanism, which rests upon the Ten Commandments, the Declaration of Independence, and the Constitution of the United States.



X

**COMMERCE AND INTERNATIONAL RE-
LATIONS**



X

COMMERCE AND INTERNATIONAL RELATIONS

THIS meeting of representative men from the great mercantile communities of the country to consider a further extension of our foreign commerce, and especially of our export trade, is characteristic of the true American spirit which counts even its greatest success as a mere stimulus to further conquest. Not content with the fact that our exports of domestic products have doubled in the past decade, while those of Germany, our most active rival, have increased seventy-five per cent., those of the United Kingdom less than fifty per cent., and those of France forty per cent., we find representatives of the great industries and commercial interests of all parts of the country meeting here to consider ways and means for the development still further of that export trade which has placed the United States in the front rank of nations as

an exporter of domestic products. The two questions of paramount importance presenting themselves to the delegates to this Convention are:

First. What has been the cause of the phenomenal growth in our exports? and

Second. What may we do to continue and still further develop that growth?

In answer to the first question, it may be stated as an accepted fact that our growth in the volume of exports is attributable to the ever increasing demand abroad for such articles as cotton, iron, copper, timber, and coal, with which nature has supplied us so bountifully.

The answer to the second question is more involved. There are many great factors to be considered in the solution of this problem so vital to the future welfare of our country, some of which are exceedingly important and are entitled to far more consideration than is usually accorded to them in our study of the subject.

I refer to the friendly sentiment or good will of foreign nations, which in my opinion is a greater economic and international factor than is generally recognized; and also to an-

other factor, one which comes in close conjunction with the former—that of immigration—which as a commercial stimulus draws after it and reflects back to the mother country a greater commercial intercourse and commercial good will than we perhaps realize.

The friendly sentiment that exists between nations, while due in many cases to descent from a common stock and to the presence in one country of many former citizens of another, is also due to the existence of that other commercial factor, invested capital. The friendly sentiment existing between the United States and all English-speaking nations is, of course, the result, to a great extent, of a common parentage and the use of a common language as a medium of intercourse. In the case of our dealings with the Germanic nations there is not only the close relationship between the Anglo-Saxon and the Germanic, but also the presence in this country of millions of representatives of those nations.

The number of immigrants admitted into the United States from Germany alone since 1820 exceeds five millions, and the number of natives of that country residing in the United States at the present time is nearly three mil-

lions. The number of Austrians residing in the United States at the date of the last census was more than a quarter of a million; of natives of Holland, more than a hundred thousand; and of natives of Norway, Sweden, and Denmark, more than a million; while of natives of the United Kingdom the total in 1900 was two and three-quarter millions, and of Canada more than a million.

But this closeness of sentiment and of commercial intercourse, which to a high degree is the result of the presence in the United States of millions of people and billions of capital from foreign countries, is not only affected but aided by similar conditions applying, in a much smaller degree to be sure, to American citizens and American capital in foreign countries. The latest available statistics indicate that the number of natives of the United States who are now residing in some part of the United Kingdom is approximately thirty thousand.

The German census of 1900 showed the presence of about eighteen thousand of our citizens residing in Germany. The Mexican census showed nearly sixteen thousand Americans residing in Mexico in 1900, and the Ca-

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nadian census of 1901 showed about forty-one thousand natives of the United States residing in Canada. The fact that subsequent Canadian records show a migration of twenty-five thousand to forty-five thousand per annum from the United States to Canada suggests that the number of our own people now residing in the Dominion is probably more than a hundred thousand.

Our consul-general to Mexico reported, two or three years ago, that more than five hundred million dollars of American capital was invested in that country; and persons well acquainted with the movements of investments out of the United States are of the opinion that this sum has since been increased at the rate of perhaps a hundred million dollars per annum, and that the total American capital now invested in Mexico approximates eight hundred million dollars. Reports from our consuls in Canada, and from other available records, indicate that the investment of American capital among our neighbors on the north is also to be measured by hundreds of millions of dollars.

Our consul-general in Cuba has indicated that in his opinion the amount of American

capital there invested is between one hundred and two hundred million dollars, and a study of this subject recently made by the Bureau of Statistics develops the fact that probably a hundred million of American capital have been invested in the Hawaiian Islands, and from ten to fifteen million dollars in Porto Rico. In the great countries of Europe, where capital is plentiful, American inventions and American skill in manufacturing and management have combined with local capital to develop great industrial enterprises, which have strengthened the cordiality of sentiment already existing between the two peoples.

Let us see whether the existence of these factors, of a favorable sentiment strengthened by the presence in each nation of personal and financial representatives of the other, has been followed by a growth and maintenance of cordial commercial relationship. What country is the most important customer for American exports? The United Kingdom, having with us a common language, and of whose people we had in 1900 two and three-quarter millions in the United States, and to which we have sent thirty thousand of

our own people to become permanent residents of its own communities.

What nation is next in importance in both our export and our import trade? Germany, of whose people we had in 1900 two and two-third millions, and to-day have perhaps as many as three millions and in which country probably twenty thousand Americans now reside as part of its communities. What is the next country in rank in our export trade? Canada, of whose people we had in 1900 over a million, and in whose communities probably a hundred thousand former citizens of the United States now reside, and in which are invested large sums of American capital. Still another country with which our trade relations have grown with wonderful rapidity is Mexico, which takes two-thirds of its imports from us and sends three-fourths of its exports to us, and in which country probably twenty thousand former citizens of the United States reside and hundreds of millions of American capital are invested, while the number of former citizens of Mexico now residing in the United States is more than a hundred thousand.

Take the reverse side of the picture. We

people from South America residing in the United States in 1900 was fewer than five thousand, as compared with more than one hundred thousand from Mexico, over a million from Canada, two and two-third millions from Germany, and two and three-quarter millions from the United Kingdom.

What are the conclusions to be drawn from these facts and figures in their relation to our foreign trade? Clearly, that the sentiment of friendship as well as that of cordiality which has accompanied the development of commerce with those countries with which our commercial intercourse is greatest and most satisfactory should be continued and fostered.

The presence in the United States of capital from foreign countries and the presence in such countries of American capital surely strengthens commercial relations between the nations, while the presence of industrious citizens from those countries has doubtless been of great aid in developing the many industries that have made us the most wealthy and prosperous nation of the world, as well as the greatest manufacturing nation, and placed us in the front rank of exporters of domestic products and of manufactures.

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In our personal relationships with the representatives of the various nations, in the consular and diplomatic relationship with those countries, and in the relation of our Government to such nations and their people, we may continually and materially aid and strengthen that wonderful commercial development, the prosperity and growth of which has been our pride. It is a growth that we are striving to develop still further. For the purpose of properly expanding and enlarging our trade relations, it is of the highest importance that the executive branch of our Government charged with the cultivation of friendly relations with foreign nations shall not be hampered by any narrowness or shortsightedness on the part of our law-makers, either national or in the separate States, for every obstacle that is placed in the way of friendly international relations is bound to reflect and act as a check upon our foreign commerce, and at the same time upon our wage-workers, of whom so many are employed in industries and manufactures engaged in export. As it has been shown that the movement of population from one country to another is one of the forerunners of interna-

tional trade, as well as a great factor in promoting it, we must have a care not to put unreasonable checks upon that migration.

Our trade with China grew with rapidity so long as the exclusion law was clearly understood to apply only to the coolie class. Her merchants and travelers and representative people visited this country freely and sent their sons to be educated at our schools, colleges, and universities. In like manner Americans visited China freely, and the number of our people residing in that country increased from fewer than thirteen hundred in 1894 to more than three thousand and two hundred in 1904.

Our exports to China grew from less than five million dollars in 1895 to more than fifty millions in 1905, and while we believe that the diminution of more than twenty millions in that trade in 1906 was due, in some degree, to the fact that the trade of 1905 was abnormally large, there can be no doubt that it was due in some part to the recent trade boycotts, resulting from the feeling on the part of the Chinese that their representative people do not receive proper treatment when they apply for admission to the United States. So ap-

parent was this fact that President Roosevelt, in a message to Congress a year ago, urged the enactment of a Chinese admission act, saying:

Chinese students, business and professional men of all kinds—not only merchants, but bankers, doctors, manufacturers, professors, travelers, and the like—should be encouraged to come here and be treated on precisely the same footing that we treat students, business men, travelers, and the like, of other nations. Our laws and treaties should be framed, not so as to put these people in the excepted classes, but to state that we will admit all Chinese, except Chinese of the coolie class, Chinese skilled or unskilled laborers. There would not be the least danger that any such provision would result in any relaxation of the law about laborers. These will, under all conditions, be kept out absolutely. But it will be more easy to see that both justice and courtesy are shown, as they ought to be shown, to other Chinese, if the law or treaty is framed as above suggested.

Our trade with Japan has also shown a remarkable growth in recent years, during which time a feeling of deep friendship has developed between that wonderful race and our own. Her people have been welcomed to all the privileges and immunities enjoyed by the most favored nation, except that of actual

citizenship. The privileges of Americans residing in Japan, the number of whom has nearly doubled in the past decade, have correspondingly increased.

Our great silk manufactories, which employ thousands of workmen and disburse more than thirty millions a year in wages, have drawn largely for their raw material upon Japan, sending her nearly forty million dollars for raw silk in the year just ended. In turn, Japan has purchased freely of the products of our farms and factories, so that our exports to that country have grown from less than eight million dollars in 1896 to more than thirty-eight millions in 1906. In view of these flattering commercial relations with the dominant power in the Far East, it is a matter of serious regret that recent incidents in a single community of this country—a community which has profited greatly by the enlargement of our trade with Japan—should have endangered the cordiality of relations under which that trade has been developed.

While this occurrence is too recent to have had as yet a perceptible effect upon trade relations, it requires no stretch of imagination to foresee that unless these deplorable inci-

dents are satisfactorily adjusted, they will have a disastrous influence upon our future trade with that country. On this subject the President, in my opinion, voiced the sentiment of the great mass of our people when he said in his recent message to Congress:

Not only must we treat all nations fairly, but we must treat with justice and good will all immigrants who come here under the law. Whether they are Catholic or Protestant, Jew or Gentile; whether they come from England or Germany, Russia, Japan, or Italy, matters nothing. All we have a right to question is the man's conduct. If he is honest and upright in his dealings with his neighbor and with the State, then he is entitled to respect and good treatment. Especially do we need to remember our duty to the stranger within our gates. It is the sure mark of a low civilization, a low morality, to abuse or discriminate against or in any way humiliate such stranger who has come here lawfully and who is conducting himself properly. To remember this is incumbent on every American citizen, and it is of course peculiarly incumbent on every Government official, whether of the nation or of the several States.

International courtesy is as essential to international good will as is a similar relationship between individuals, and the conse-

quences in the former case are far more serious and permanent. The merchants and manufacturers of our country can perform no more valuable service to the nation and in the promotion of our foreign commerce than in strengthening public sentiment to support the Government in cultivating those good relations with other nations which are so essential to good will and good trade relations.

And this thought, namely, that the growth in trade relations is attributable, in some degree at least, to cordiality of international relationship and of relationship between our own people and those of the nations with which we come into business contact, suggests that the future success of our manufacturers and exporters rests largely in their own hands.

The Government can do certain things. It can maintain, for instance, a great Department, such as that of Commerce and Labor; it can record the movement of articles into and out of the country, and the names of the countries from which the imports come and to which the exports go; it can show the growth in exports of various articles, and the demand in a given country for the same; it can send its consuls and special representatives to the

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various nations of the world to learn what markets exist for our goods, and how these must be made and packed and sold to meet the requirements of those markets; but it can not bring to you that close personal relationship with people of these nations which is so essential if you are to obtain the greatest measure of success.

How have the great manufacturing and exporting nations of Europe obtained their success in the markets of the world? By sending special representatives to solicit foreign trade, by establishing banking and other facilities necessary therefor, and by cultivating and maintaining friendly relations with such countries. And when I say special representatives, I mean men representing the manufacturer, and so familiar with his own individual methods of production and commerce that they can present to him the details of the existing trade opportunities and the processes to which he must adapt his own existing methods in order to make his goods salable in the communities in question. These are things which the Government can not do for you—things that you must do for yourselves.

The world's imports of manufactures now aggregate, in round terms, five billion dollars in value, and of that amount we are at present contributing but seven hundred millions, or about fourteen per cent., although we are the world's greatest producer of all the important articles used in manufacturing, such as cotton, iron, copper, timber, and coal, the last of which furnishes the power necessary to transform the others into the finished products.

We also have the world's greatest system of railways with which to assemble these raw materials and carry them to the water's edge. Whether our Government should aid in developing a great merchant marine for carrying these products, already cheaply transported, from the water's edge to the principal foreign markets, or whether such aid should be confined to those sections with which our trade has shown little development and to which foreign capital is offering us no direct system of transportation, is a matter yet to be determined.

But certain it is that whatever the Government may do in aid of our foreign commerce, or in collecting general information regarding trade opportunities in foreign countries, the

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real opportunity of success in those markets rests with our producers and exporters, who by sending their personal representatives among these people will not only obtain for themselves the information necessary to that trade, but, at the same time, will aid in developing that international sentiment and close relationship which have proved so important a factor in our commercial relations with the countries where our greatest success has been attained.



XI
COMMERCE AND LABOR

XI

COMMERCE AND LABOR

AS we survey the history of modern times we can not fail to distinguish that what the Germans call the *Zeitgeist*, or the aspirations of nations, has changed from period to period. First, the Reformation; then the long and bloody years of struggle for ecclesiastical domination under political guise, or political domination under ecclesiastical guise. Following this period, and to a large extent by reason of it, arose the hunger for conquest led by ambitious sovereigns, and often disguised so that their most wicked schemes of spoliation were clothed in the garb of sanctified phrases of benevolent purposes. This period again was followed by the spirit of conquest pure and simple, under the domination of might, led by the booted and spurred general. During all these years commerce lacked both opportunity and encouragement; in fact, it was looked upon as the trade and occupation of an inferior and degraded element of the popula-

tion. Handicrafts, except when they were applied to forging instruments of war, had lost their dignity, and Holland, which was rapidly growing in power and wealth through the extension of her commerce over all the seas, was contemptuously referred to by Louis XIV as "a nation of shopkeepers," a term that, in no spirit of compliment, was subsequently applied to England and still later to us.

The spirit of commerce, which is as far removed from "commercialism" as patriotism is from the spoils system, is the most wholesome stimulus that has yet pervaded the nations, because it rests upon mutuality and upon economic laws; it is constructive and not destructive, and it promotes the welfare and happiness of nations, as well as international peace and good will.

As the Secretary of Commerce and Labor—the youngest but not the least important Department of our Government—I deem it no less a pleasure than a privilege to appear before the great captains of our industrial age and country. I stand here before a group of men who within comparatively a few years have brought the industries of our country to the front rank of the great manufacturing na-

tions. Less than half a century ago our nation ranked fourth in manufactures, while to-day it stands at the head of the list. The investments of capital in these industries have grown from a billion dollars in 1860 to about fourteen billions in 1905. The wages and salaries paid have risen in that period from little more than one-third of a billion to more than three billions, and the value of the manufactures produced from less than two billions to practically seventeen billions. A group of men who have produced such splendid results in less than half a century, and who are to-day successfully managing a business representing one-eighth of the entire wealth of the country, giving employment to more than six million persons, representing more than one-fourth of the homes of the nation, needs no guidance from the Department of Commerce and Labor, but merely the assurance of its sympathetic coöperation, coupled with the determination to enforce the laws that guarantee to all interests and to all individuals their rights and privileges, and to protect them from unjust encroachment on the part of any other interests or individuals.

Our total exports in the fiscal year about to

end will aggregate nearly two billions of dollars, and of that enormous sum more than seven hundred millions, or about forty per cent. of the total, will be composed of manufactures. In developing this great industry, in which such rapid strides have been made in comparatively a few years, we have enjoyed peculiar advantages, in the plentiful supply of materials furnished by nature, such as cotton, iron, copper, wood, and coal, and in our remarkable transportation facilities. But all these would not have enabled us to develop such marvelous results were it not for another factor, equally important, namely, the brawn and muscle of our laboring classes, which are equipped with intelligent skill by reason of the opportunities afforded to rich and poor alike in this free and liberty-loving land. While we had abundance of raw material, we have always been short in the supply of labor, and, but for the fact that this need could be supplied from beyond our borders, our industries would to-day be in their infant stage.

We should not fail to recognize the enormous advantages we have drawn from immigration. Twenty-five million willing workers have come to the United States to coöperate

in our industries during the past century, and more than half of the persons to-day engaged in our manufacturing and mechanical industries are of alien birth or natives of alien parentage. The census of 1900 shows that more than thirty per cent. of the persons so engaged in that year were of foreign birth, and in addition twenty-five per cent. were natives of foreign parentage—so large has been the draft that we have made upon other nations in building up our great manufacturing industries.

Another consideration should not be lost sight of. Not only have we attracted this large and needful supply of labor, but with them have come hundreds of new industries from other countries, which their skill has planted and their industry has developed. As an example of many, let us take the silk industry, now ranking among the first in the world, employing eighty thousand workmen, paying twenty-seven million dollars annually for wages, and bringing in each year sixty million dollars' worth of raw materials from Japan and elsewhere, and turning out annually from its factories one hundred and thirty-three million dollars' worth of finished products. The same may be said of the cotton-mill

industry, which only a little more than a century ago was established by the Englishman Samuel Slater, and so was the first wool-carding machinery by Arthur Scofield. The confectionery industry, which now turns out nearly one hundred million dollars' worth of products from its factories annually, and pays twelve million dollars a year for wages, was largely, if not entirely, developed by men of foreign birth; and so was the glass cutting and staining industry, which turns out products amounting to more than thirteen millions a year and pays four and a half millions a year in wages to its employees. The same may be said of many other of our industries, not a few of which have been brought over in more recent years by immigrants who come from countries that are often characterized as the undesirable. Our census shows that those sections of our country which contain the largest percentage of foreign birth are found to contain also the largest percentage of manufacturing industries.

An unprejudiced study of immigration justifies me in saying that the evils are temporary and local, while the benefits are permanent and national. The flow of immigration to our

shores is not alone an index of our prosperity, but also a significant element of the causes of our prosperity. Had the anti-foreign or "Know-Nothing" spirit prevailed half a century ago, the energy and enterprises that have produced our great manufacturing and commercial development would have been driven to other lands. The restrictions that have been incorporated in our laws, due to the conservative judgment of the members of our last Congress, are salutary and wise. So was the law that raised the standard for acquisition of the high privileges of American citizenship, by demanding that no one shall be naturalized who is unable to speak and understand our language, or has not an elementary knowledge of our Constitution and form of government. This law and the immigration laws are intrusted for their administration to the Department of Commerce and Labor; and you may be assured they will be administered by me and I hope they will always be administered equitably and justly, in the true American spirit, with good will to all and with malice toward none.

The Department of Commerce and Labor is one of the largest of our great governmental

Departments. It touches the national life in so many aspects that I can not here refer to more than one or two spheres of its activity. As its name implies, it has to do with commerce and with labor in their broadest acceptation. It has under its jurisdiction, besides immigration and naturalization, almost the entire economic spheres of the Government—with the exception of the tariff and monetary affairs—such as the fisheries, steamboat-inspection and light-houses, labor in all its aspects, coasts, harbors and shipping, standards, manufactures and corporations, statistics and the census.

A word about the relations of the Department to corporations. Due to the extraordinary commercial development to which I have just referred, and to the commercial forces which in the past half century, in the natural course of development, have brought about a tremendous concentration of capital, the old legal methods of individual and partnership management were wholly inadequate, and it was necessary to employ that artificial legal entity known as a corporation, in order properly to handle this concentration of capital, which is so necessary to carry out the

work of developing the physical resources of our country. The growth of this industrial development has been more rapid under the pressure of the promoter and the financier than the development and adjustment of the laws that are necessary to guard the interests of the individual investor as well as the rights and interests of competing industries and of the general public. By reason also of this rapid development toward attaining industrial supremacy, the old personal responsibility that obtained when business was managed by individuals or by partnerships, has been almost wholly sacrificed. This loss of responsibility is a very important factor, and doubtless explains many present evils. Perhaps no remedy will be more effective, in its first and primary stages, to eliminate the evils that flow from this lack of personal responsibility and to restore the equivalent for it than to insure publicity—not superficial publicity, but thorough and drastic publicity, which can be had only through governmental agency. This is one of the main functions of the Bureau of Corporations. The striking effects of publicity may be best illustrated by the work of this Bureau in a single instance. The simple

publication by the Bureau of Corporations, after painstaking and laborious investigation, of the great system of railway rebates that were enjoyed, sometimes by favor and sometimes by force, by the Standard Oil Company, was followed at once by the voluntary cancellation by the railroads, without the issue of a single court process, of every secret discriminatory rate set forth in the report of the Bureau. The result of this probably has been the most sweeping reform, and certainly the most necessary, that ever has taken place in railway management.

Regarding the combination of power, in respect to which so much misinformation has gone abroad throughout the land, let me say a word. It is not the existence of this combination of power, but the improper use of such power, that should be regulated. Combination is not in itself an evil. The methods by which a combination is arrived at, or by which it is maintained or operated, if those methods are inequitable or unfair, should not only be exposed, but should be drastically dealt with. A corporation desiring to perpetuate its domination may use its combination power to give better service—that is a

public good—but when that power is used to prevent any one else from giving a like service or the best service it can, then its combination power is being used as an encroachment upon the rights of others and against the public welfare. It is not within the power or proper sphere of government to equalize competitors, but it is within the power and proper sphere of government to equalize the opportunities of competitors. It is the sphere of government to keep open equally to all men the avenues of commercial development, to maintain the opportunity for competition, and to prevent the use of unfair means that diminish or destroy such equal opportunity.

Most of the strife between capital and labor would disappear if it were more fully recognized that a high rate of wages, within economic limitations, is a powerful lever to reach a low cost of production, which practically rules to-day in the industries of the United States. I hope that another year you will have with you at your annual festivities a representation of the great labor groups who rightly share with you the credit for our wonderful industrial development; who have shared and are entitled to share more and

more with you, according to the measure of their deserts, the prosperity that has crowned your and their joint labors. In no country in the world are the standard of labor and the standard of life among the wage-earning classes higher, and I hope the country may have your aid and coöperation in hastening the day when the honest individual will be permitted more and more to enjoy the fruits of constant industry and the advantages of his own labor, free alike from the tyranny of his own class and of the inequitable exactions of the employer class. The cheapest labor is that labor which is most productive, "and the more the forces of cultivated intelligence, conscientiousness, and hopefulness shall infuse themselves into human industry, the more abundant and valuable the results, the greater the sum of human happiness, and the more stable the political institutions of a country."¹

No greater, more important, and vital question has ever come forward for solution than the relation between capital and labor. It is to-day agitating the parliaments of all enlightened nations, and is receiving the thoughtful

¹ Thomas F. Bayard's introduction to "The Economy of High Wages," by J. Schoenhof.

attention of statesmen and legislators, who recognized that the plane of solution lies high above the narrow pathways of selfish interest. No one has addressed himself to this great and pressing subject with more philosophical foresight and practical application, and with a more fearless espousal of the right, than President Roosevelt. His messages to Congress, his public speeches, and his advocacy of the passage of laws, all evidence a wise, consistent, and determined plan to safeguard the rights of capital on the one side and to redress the justified grievances of the masses on the other, and to use the full power of the Government, without fear and without favor, to prevent injustice on the one side as well as on the other. The work of the Department of Commerce and Labor has been conditioned upon this theory—a fair treatment alike for labor and for capital.



XII

THE PEACE OF NATIONS AND PEACE WITHIN NATIONS

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NATIONS, like individuals, pass through stages of development, and each stage of that development is characterized by different and often varying aspirations. Beginning with modern times, with the Reformation, the nations were held under the spell of ecclesiastical domination, which produced the so-called religious wars that culminated with the Thirty Years' War and the Treaty of Westphalia. This was followed by the hunger for power, which rose to its height under the infuriated heroism of the Napoleonic wars; after this followed the period of industrialism and trade-expansion, at the height of which we now find ourselves. This last period, which has witnessed the development of great industrial combinations, has also witnessed the development of the powers of the wage-earners under organized labor. This development, to which

the most advanced nations of the world owe the wonderful growth of their material prosperity, brings with it many advantages, but it also brings serious dangers, which, if not regulated by humane considerations and by the spirit of equity and justice, threaten the most serious class conflicts.

Unrest and dissatisfaction at home breed antagonisms abroad. A nation that is happy and contented within its borders is never a menace to neighboring nations. Its chief danger lies in not being able to protect itself against the discontent of other nations, and nothing contributes more to peace abroad than peace at home. Often has a nation gone to war, or been driven into it, by reason of internal discontent, compelling it, as it were, to choose war without as the lesser evil, in order to avert revolution within its borders.

On the 10th of December last the committee elected by the Norwegian Storting, under the will of Alfred Bernhard Nobel, for the distribution of the Peace Prize "to be awarded to the person who shall have most or best promoted the fraternity of nations and the abolishment or diminution of standing armies and the formation and increase of peace con-



gresses," selected as its recipient Theodore Roosevelt, President of the United States; and the people throughout this country and from one end of the world to the other applauded the selection. They recognized that he first, among presidents, kings, and emperors, opened the doors of the Hague Tribunal; that he, through his tactful initiative and mediation, brought about peace between Japan and Russia; and that he was the first to summon the second great peace congress, and in the interest of international good will resigned the high privilege to the Emperor of Russia. By these separate acts he thrice deserved the gratitude of the peace-loving world and thrice justified the award of the Storthing.

Fully as important as peace among nations is peace within nations. A people who are subjected to unreasonable restrictions upon "life, liberty, and the pursuit of happiness," and are compelled to live under such conditions that they can not earn their daily bread, become revolutionary. He who had intervened and brought about an equitable adjustment in the greatest industrial struggle of modern times—the anthracite-coal strike—dedicated the Nobel Peace Prize to the promo-

tion of industrial peace, and by an act of Congress approved on the 2nd of March last this Foundation for the Promotion of Industrial Peace was made perpetual, with the purpose of aiding the industrial forces to arrive at a peaceful adjustment of their reciprocal rights on a basis of humanity and justice. In Theodore Roosevelt are united the historical foresight of a Jefferson and the humane consideration of a Lincoln for the welfare of the masses. He is ever as watchful to protect the poor man as well as the rich man in his rights as he is to restrain them from committing wrong.

The growth of commerce and industry which marks our industrial age has contributed tremendously to the community of nations. The much decried commercial spirit is the surest guaranty for peace. Before its development the panoplied statesmen believed that the weaker and poorer other countries were the stronger and mightier would be their own; but the economics of commerce have shown that the wealth and progress of other lands are a direct source of wealth and progress of one's own land.

The wealth and happiness of nations are

based upon factors that are international as well as intranational; in other words, they depend not only upon domestic commerce, but also and to an equal degree upon foreign commerce. As an illustration, we have only to take into consideration the fact that within the past fifty years the foreign commerce of the United States has grown more than 400 per cent.—from 783 millions in 1856 to 2,636 millions in 1905.

Quite as important as the limitation of armaments is the raising of the standards of international morality. Let the nations exact the same standard from one another that they exact from their own subjects, substituting international morality for international expediency, and they will have, instead of the arbitrament of war, the arbitrament of law. The first step to this end is to improve and expand the laws of neutral obligations. Why should a nation be permitted to go to war to collect a debt at the mouth of cannon when that same nation will not allow its own subjects to collect debts from one another with swords and pistols? The Drago Doctrine is in the interest of international morality. The casuistry of international pettifogism has

whittled down the principles of international law. Neutral rights have been expanded in the interest of greed, and neutral obligations have been cramped and distorted, so that, as the law stands now, neutral nations may not sell ships of war and arms to belligerents, but the subjects of neutral nations may do so. Neutral nations may not grant loans and subsidies to belligerents, but the banker subjects of neutral nations may do so. The doctrine recognized under all systems of law, *facit per alia facit per se*, does not apply to international relations, because international relations still carry the taint of unmoral precedents and piratical plunder.

“The true end of every great and free people should be self-respecting peace. . . . Probably no other great nation of the world is so anxious for peace as we are.” These are the sentiments of President Roosevelt in his message to the Fifty-seventh Congress. The argument that war will kill war is about as sane as would be the assertion that contagion will cure disease. The best guarantee for peace is peace; and behind the world’s diplomacy stands ever open the door of the Hague Tribunal, whose permanent mission—the

peaceful adjustment of international differences—can not fail to have an ever-increasing voice in the chancelries of nations and in elevating the international morality of the civilized world.



XIII

**RELIGIOUS LIBERTY IN THE
UNITED STATES**

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RELIGIOUS LIBERTY IN THE UNITED STATES

THIS is an historical occasion, a link in the chain of development of our country's history; it takes us back within fifteen years of the death of the founder of the colony, which was the youngest, and in many respects the noblest in its foundation, of the thirteen American colonies.

In this, the opening of the twentieth century, we have come upon a new era which is the heritor of all the past. The inalienable rights of man, which were formulated in the eighteenth century, and which were incorporated in fundamental laws and practically applied under legislative enactments, have reached a further stage, the stage of inalienable duties. The duty that might owes to right, the rich to the poor, the employer to the employee, to afford equal opportunities to all, freed from artificial barriers, from class

distinctions and from religious proscriptions. No institutions have contributed more toward equalizing those opportunities and toward endowing the sons and daughters of the wage-earners equally with those of wage-payers, than the institutions of education in our land. They are the great levelers, in the sense of making the pathway of success not a royal road, but a democratic highway, where the rewards wait upon merit.

The three greatest, most visioned, and picturesque founders of the colonies that became the thirteen original States were, Roger Williams, the Pioneer of religious liberty, William Penn, the Proprietor of peace and good-will, and General James Edward Oglethorpe, the benevolent Apostle of equal opportunity and philanthropy, who founded Georgia to open the gates of freedom to the unfortunate debtor, which gates he kept wide open to receive the oppressed from every land, and held firmly closed against every form of persecution and slavery. To his colony came not alone the unfortunate debtors who by thousands were yearly confined to the pest-breeding dungeons of Fleet prison, Newgate, and Old Bailey, but also the poor persecuted Salzbur-

gers, and some of the ill-fated Jews who had escaped the fangs and fires of the Inquisition in Spain and Portugal. Oglethorpe placed a most liberal construction upon his charter, beyond the tenor of its provisions and the instructions of the trustees. Having made personal sacrifices to establish and organize the colony, he felt justified in following the dictates of his benevolent purposes by removing all restrictions; he extended a welcome to all men irrespective of creed or race, and assigned to them lands and secured them in the priceless blessings of civil and religious liberty.

Georgia was not alone the colony of refuge, but the rampart of Anglo-Saxon civilization against French hostility on the one side, and on the other against intolerant Spain, which had desecrated this Continent by transplanting here the horrors of the Inquisition, and endeavored to propagate her power by arousing the savagery of the peaceful Indians against the new settlers. Dr. Johnson, in his beautiful lines, doubtless refers to the dual purposes in Georgia's foundation:

Has heaven reserved, in pity to the poor,
No pathless waste, or undiscovered shore,
No secret island in the boundless main,

No peaceful desert yet unclaimed by Spain?
Quick let us rise, the happy seat explore,
And bear oppression's insolence no more.

It is to be remarked that these three founders, who in their benevolence and liberality had so many points of resemblance, were exceptional also in cultivating peaceful relations with the neighboring Indian tribes, and in receiving aid and protection from them. The fact is, the same spirit of justice and benevolence which these founders engrafted upon their original settlements were extended to the Red Man, whose rights were respected, and whose claims to human justice were recognized. In our dealings with this picturesque people, how much more glorious are our victories of peace than our victories of slaughter, and what a flood of light they shed upon the noble character and enlightened purposes of these immortal founders of Rhode Island, Pennsylvania, and Georgia.

In 1890 a bill was introduced in your legislature to discontinue the annual State grant to the University, based upon the theory, as stated by the mover of that bill, "that there was no longer any use for the University; that there were plenty of denominational colleges

in Georgia to educate all our young men, and they should be allowed to do that work." The discussion that followed this proposal gave rise to a controversy, which brought up the subject of the Development of religious liberty in the United States, and the position of the University was most ably, learnedly, and successfully sustained by N. J. Hammond, then the chairman of your Board of Trustees. Taking as my theme the one suggested by this discussion, I shall endeavor to trace in outline the development of religious liberty in the United States.

Colonization in all ages was due either to conquest, to commerce, or to causes of conscience. The vast extension of the Greek and Roman empires under Alexander and Cæsar arose out of the first of these causes. The great power of the Venetian republic in the thirteenth century was owing to its commercial spirit. The early colonization of North America is chiefly to be attributed to causes of conscience. Persecution has ever been an active colonizer, and has usually supplied an element well adapted for the purpose of building up a cultured and enlightened community. In every age it was not the worst, but, accord-

ing to the real measure of worth, rather the best among a people, who, true to their consciences, sacrificed their temporal advantages upon the altar of their faith.

The cradle of religious liberty has been rocked by the worst passions of mankind. Until comparatively recent times, every sect was intolerant from conviction, and held it as a sacred duty to banish or burn the unrepentant heretics. Even heretics, when they became dominant, were not less intolerant toward their former orthodox persecutors. Do unto others as others have done unto you, was the rule of persecutors; or, as David Harum says, "do unto the other feller the way he 'd like to do unto you—and do it fust." The stigma of heresy, whatever it may signify ecclesiastically, was historically the penalty for dissent exacted by the State religion from conscientious sectaries. "I never knew the time in England," said Milton, "when men of truest religion were not counted sectaries." The statesmen who framed our Constitution were too well read in the history of other governments, and had before them too clearly the sufferings of the people in their colonial state, not to anticipate and dread the abuse of au-

thority resulting from the greed of power and the selfishness of sects, therefore they wisely guarded against this contingency by express enactment that "No religious test shall ever be required as a qualification to any office or public trust under the United States."

When the Constitution was submitted for ratification to the several States, considerable uneasiness was manifested at the failure of Pinckney's resolution in the Federal Convention that "The Legislature of the United States shall pass no law on the subject of religion;" and upon ratifying the instrument, the New Hampshire, New York, and Virginia conventions urged the adoption of an amendment to that effect.

The conventions of the several States that were held in 1777 and in 1778 reflected the conflicting sentiments then entertained on the question of religious tests. The exclusion of such tests as a qualification for public office was opposed in those States which required such tests, under the fear that without them the Federal Government "might pass into the hands of Roman Catholics, Jews, or infidels." It was alleged that, as the Constitution stood, the Pope of Rome might become President of

and supported the motion by a forcible speech, urging as a reason chiefly the duty of Congress to remove all apprehensions of an intention to deprive the people "of the liberty for which they valiantly fought and honorably bled." Congress accordingly sent twelve amendments to the Legislatures of the several States for ratification, and ten of these were duly ratified. The first is the clause, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

Brief as these two provisions of our Constitution are, they proclaim religious liberty in its broadest acceptation as the fundamental right of every one in America, be he citizen or alien. By incorporating these provisions in their Constitution, the American people were the first to set the world the example of entirely separating the institution which has for its object the support of religion from its political government.

Before the Revolution the dominant sects in the various colonies were distributed as follows: The Puritans in Massachusetts, the Baptists in Rhode Island, the Congregationalists in Connecticut; the Dutch and Swedish Prot-

estants in New Jersey; the Anglicans in New York; the Quakers in Pennsylvania; the Catholics in Baltimore; the Cavaliers in Virginia; the Baptists, Methodists, Quakers, and Presbyterians in North Carolina; the Huguenots and Episcopalians in South Carolina, and the Methodists in Georgia. With the exception of Pennsylvania, Maryland, and Rhode Island, some form of religious establishment had existed in all the colonies.

Let us tarry a moment in Rhode Island, the land where the banner of religious liberty was first unfurled. In the mid-winter of 1636 a solitary pilgrim might have been seen wandering through the primeval forests of New England, an exile from the territory of the Massachusetts Puritans, seeking a place of refuge from ecclesiastical tyranny, where he and all men might worship God according to the dictates of their consciences. At that time there was no such land in the whole civilized world. The colonists of Virginia were strict conformists to the rites of the Church of England. There was less freedom there than in England. The settled portions of New England were domineered over by the Puritans and Pilgrim fathers, who left their English homes to es-

cape ecclesiastical tyranny, only to set up a tyranny of their own. This pilgrim, the first true type of an American freeman, the trusted and trustworthy friend of the savage Indian, the benefactor of all mankind, was Roger Williams, who accomplished what no one before this ever had the courage and wisdom, combined with a conviction of the broadest liberty, even to attempt—to found a purely secular State “as a shelter for the poor and the persecuted according to their several persuasions.”

The time, let us hope, is not far off, when all civilized people, even in the remotest corners of the world, will recognize the truth and power of the principles that throw around the name of Roger Williams a halo of imperishable glory.

It is not surprising that the Roman Catholics, who in Protestant England were proscribed as a class, should eagerly direct their eyes to the new world for a place of refuge. Lord Baltimore had become a devout convert to Romanism. By reason of his high official position and his being in the good graces of James I, he succeeded in obtaining a charter for Maryland which embodied a very broad conception of toleration. There was no limi-

tation of the freedom of conscience, save only that Christianity was made the law of the land. This was a great step in the direction of full liberty in matters of religion, and a century in advance of his time, or of the New England colonies and Virginia. The same reasons that impelled the Pilgrims, the Puritans, and the Catholics to look to the Western continent as a harbor of refuge from ecclesiastical tyranny, operated with increased force upon the Quakers, who were exposed to almost universal persecution, hatred and contempt, not only by the prelatical party, but also by the dissenters. The laws agreed upon in England for their government in Pennsylvania provided for equal tolerance of all sects and creeds that recognized a deity, whereby both Jew and Gentile were to be protected in belief and in form of worship. These laws went a step farther than those of Maryland in their approach to religious liberty, yet not so far as those of Rhode Island, for rationalists and atheists were discriminated against. The colonists, however, shortly after the arrival of William Penn, took a backward step, showing that Penn's followers were not as liberal as he, for by the enactments known as the

"Great Law of Chester," agreed upon in 1682, religious toleration was curtailed by providing that all the officers of the colony should be only such as professed belief in the Christian religion.

The perpetual strife that had existed in England between the prelatical party and the Puritans was not of such a nature as to engender toleration. The contention was chiefly about ceremonies, and when the Puritans succeeded to power, great as their sufferings had been, they did not rise to the height of a principle, but were content to rest on the plane of their persecutors. The Puritans who sought New England were not actuated altogether by humane or liberal motives. They sought liberty of worship for themselves and for themselves only; they appropriated the lands of the Indians, and then slaughtered them when they were driven to rebellion; dissenting Christians whom they could not convert or convince they exiled; in their eyes, toleration was heresy and civil liberty a crime.

The Virginia colonists, on the other hand, were neither exiles nor refugees. They did not come to the shores of Virginia to organize liberty or to Christianize the heathens, but to

dig gold and cultivate tobacco. A story is told of an official, to whom a Virginia delegation had commended a measure for the good of the souls, replying: "Damn your souls, grow tobacco." Their first charter is evidence that they were nothing more or less than a mercantile corporation of the South Sea bubble phase, of which the King was the head, and over which he reserved absolute legislative authority with the hope of an ultimate revenue. "Religion was established according to the doctrine and the rites of the Church of England within the realm, and no emigrant might avow dissent, or affect the superstitions of the Church of Rome, or withdraw his allegiance from King James."

It is plainly evident that neither the Anglicans of Virginia nor the Puritans of New England—both of whom had modeled their civil polity to conserve State-churchism—were likely to advance the cause of religious liberty, if left to themselves, as they hoped to be; on the contrary, their aims and efforts, as evinced by their laws and regulations, were directed to achieve the opposite result. The rise of that religious liberty which was destined to illumine the Western World, must be searched for else-

where, and whatever credit rightly belongs to these two sects is due to their violent efforts to repress, rather than to establish liberty in matters of conscience. Here, as in all communities, liberty came creeping in with the dissenting minorities.

Passing over the intermediate evidences of intolerance embodied in the early laws and regulations of the various colonies, let us examine, for a moment, the constitutions of several of the Colonies in respect to religion, just prior to the framing of our national Constitution, which afford a striking illustration of the intolerance of the various sects that were then dominant. Congregationalism still continued to be the established religion in Massachusetts, in New Hampshire, and in Connecticut. The church of England had the civil support in all the Southern colonies, and partially in New York and New Jersey. In Massachusetts the Legislature expressly authorized and impliedly required compulsory attendance at church and the civil support of the ministers. Heavy penalties were prescribed against all who might question the Divine inspiration of any book of the New or Old Testament, and the old laws against blasphemy were revived.

Similar laws remained in force in Connecticut, and were re-enacted in New Hampshire. By the second constitution of South Carolina, Protestantism was declared to be the established religion of the State. The constitution of Maryland contained authority to levy a general and equal tax for the support of the Christian religion. In several of the States religious tests for public office were still retained. In New Hampshire, New Jersey, North Carolina, South Carolina, and Georgia, the chief officers of the State were required to be Protestants. In Massachusetts and in Maryland all office-holders were required to declare their belief in the Christian religion. In South Carolina they must believe in a future state of rewards and punishments. In North Carolina and Pennsylvania they were required to acknowledge the inspiration of the New and the Old Testament, and in Delaware to believe in the Trinity.

The agitation for the overthrow of the established church and for complete separation of Church and State was first begun and successfully effected in Virginia, a State where we should least have expected it, where the Church was most closely allied with the civil

powers, where it was most firmly seated and had more privileges than elsewhere, and where its restrictions upon dissenters were most exacting. By the several acts of the Virginia Assembly, it was made penal for parents to refuse to have their children baptized. They had prohibited as unlawful the assembling of Quakers, and such as were within the colony were subject to imprisonment until they should abjure the country, and on their third return they were liable to the penalty of death.

Under the guiding spirit of Thomas Jefferson, the first Assembly of Virginia repealed all such obnoxious laws as were still on the statute-books. He continued his onslaught upon the established church for more than nine years, assisted by Patrick Henry and James Madison and the leaders of the more liberal sects, until the problem of religious liberty was solved in all its completeness. "These nine years of Virginia's debates," says the biographer of Jefferson, "have perished, but something of their heat and strenuous vigor survives in his 'Notes on Virginia,' written toward the end of the Revolutionary War, and circulated a year before the final tri-

umph of religious freedom." These vigorous utterances were the arsenal from which the advocates of religious liberty drew their weapons for fifty years until the last remaining union between Church and State was severed. "Opinion," said Mr. Jefferson, "is something with which the government has nothing to do. It does me no injury for my neighbor to say there are twenty gods or no god. It is error alone which needs the support of government; truth can stand by itself. Millions of innocent men, women, and children since the introduction of Christianity have been burnt, tortured, fined, and imprisoned, yet we have not once advanced an inch toward uniformity. What has been the effect? To make one-half the world fools, and the other half hypocrites."

That the passage of the act for the establishment of religious liberty, together with the arguments contained in the "Notes on Virginia," had a far-reaching effect and great weight in the Federal Convention which assembled in May, 1787, in the City of Philadelphia, for the purpose of framing a constitution, can hardly be doubted, especially when we take into consideration the fact that Virginia

was the banner State, represented in the convention by Madison and Mason, both of whom had been collaborators with Jefferson.

It is a cause of congratulation that our country has given the world at large and the governments of Europe proof of the fact, by actual trial, that neither Church nor State is benefited by being united; on the contrary, they both flourish best in the atmosphere of freedom.¹

If we were to single out the men who, from the beginning of our colonial state until the present time, have most eminently contributed to fostering and securing religious freedom,

¹ Jefferson to James Madison.

PARIS, December 16, 1786.

"The Virginia act for religious freedom has been received with infinite approbation in Europe, and propagated with enthusiasm, I do not mean by the governments, but by the individuals who compose them. It has been translated into French and Italian, has been sent to most of the courts of Europe, and has been the best evidence of the falsehood of those reports which stated us to be in anarchy. It is inserted in the new Encyclopedia, and is appearing in most of the publications respecting America. In fact, it is comfortable to see the standard of reason at length erected, after so many ages, during which the human mind has been held in vassalage by kings, priests and nobles; and it is honorable for us to have produced the first legislature who had the courage to declare that the reason of man may be trusted with the formation of our own opinions."

Jefferson's Works, Vol. 2, p. 67, 1853, Washington, D. C.

who have made this country of ours the haven of refuge from ecclesiastical tyranny and persecution, who have set an example more puissant than army or navy for freeing the conscience of men from civil interference, and have leavened the mass of intolerance wherever the name of America is known, I should mention first the Baptist, Roger Williams, who maintained the principle that the civil powers have no right to meddle in matters of conscience, and who founded a State with that principle as its corner-stone. I should mention second the Catholic, Lord Baltimore, proprietor of Maryland, to whom belongs the credit of having established liberty in matters of worship which was second only to Rhode Island. I should name third, the Quaker, Penn, whose golden motto was, "We must yield the liberties we demand." Fourth on the list is Thomas Jefferson, the "arch infidel," as he has been termed by some religious writers, who overthrew the established church in his own State, and then, with prophetic statesmanship, made it impossible for any church to establish itself under our national Constitution, or in any way to abridge the rights of conscience.

There are many other bright names in our history, such as Henry, Mason, Madison, and Franklin, who contributed to the same good end, besides the champions who led to victory in the various States, among whom were many devout and learned ministers of the several denominations.

“Religious liberty,” in the language of Mr. Thomas F. Bayard, when Secretary of State, “is the chief corner-stone of the American system of government, and provisions for its security are imbedded in the written charter and interwoven in the moral fabric of our laws. Anything that tends to invade a right so essential and sacred must be carefully guarded against, and I am satisfied that my countrymen, ever mindful of the sufferings and sacrifices necessary to obtain it, will never consent to its impairment for any reason or under any pretext whatever.”

On November 4th, 1796, during the Presidency of Washington, a treaty was concluded with Tripoli, which was ratified by the Senate, under the Presidency of John Adams, on June 7th, 1797, wherein it is provided: “As the government of the United States is not in any sense founded on the Christian religion; as it

has itself no character of enmity against the laws, religion or tranquillity of Mussulmans . . . it is declared by the parties that no pretext arising from religious opinions shall ever produce an interruption of harmony existing between the two countries." "This disclaimer by Washington," says Rev. Dr. Samuel T. Spear, an able writer on Constitutional law, "in negotiating, and by the Senate in confirming, the treaty with Tripoli, was not designed to disparage the Christian religion, or indicate any hostility thereto, but to set forth the fact, so apparent in the Constitution itself, that the government of the United States was not founded upon that religion, and hence did not embody or assert any of its doctrines. The language of this article in the treaty was used for a purpose, and that purpose was in exact correspondence with the fact as contained in the Constitution itself. Christianity, though the prevalent religion of the people when the Constitution was adopted, is unknown to it."

This subject has been in some form or other before the courts in several States, and nowhere more directly at issue and more learnedly considered than in the case of *Minor*

against the Board of Education of the City of Cincinnati. The School Board was represented by George Hoadley, late Governor of Ohio, Stanley Matthews, afterward Associate Justice of the United States Supreme Court, and Judge Stallo, who in a most scholarly presentation of the entire question, addressing himself to the claim by the plaintiffs that Christianity was a part of the law of the State, concluded in these words:

Christianity was part of the law of Massachusetts two hundred and thirty years ago when Roger Williams was cited before the General Court for preaching the doctrine of liberty of conscience, and was sent into the wilderness in midwinter for that offense, when Quakers were banished and Quakeresses hanged; it was a part of the law of the State of New York, where the penalty of death was threatened to be inflicted on Catholic priests for bringing the sacrament to the dying faithful; it was part of the common law of Virginia, where dissenters were required to build the churches of the Anglicans; but it is not to-day a part of the common law of Ohio, or, indeed, of any State in the Union that I know of.

Mr. Lecky, in his "Rationalism in Europe," says: "In one age the persecutor burnt the heretic; in another he crushed him with penal

laws; in a third he withheld from him places of emolument; in a fourth, he subjected him to the ex-communication of society. Each stage of advancing toleration marks a stage of the decline of the spirit of dogmatism and of the increase of the spirit of truth."

That there are vestiges and distinct traces of this infection even at this day in our own country, I hardly need point out. The people in this country, through severe trials and conflicts, have successfully expelled from their civil polity all distinctions of creed and caste, in consonance with the great declaration of the men of '76, that all men are created equal. And they did this in the face of the governments and the customs of the civilized world, at a time when under all forms of polity the relations which men bore to one another rested upon distinctions of birth and privileges established by law, at a time when democracy, such as they organized, based upon manhood suffrage, was looked upon as the dream of the theorist, suitable only to the wild Indian dwelling in pristine barbarism. On these broad and humane principles, and by reason thereof, the American people have built up a nation and achieved a prosperity which outstrips the

prophecies of most enthusiastic admirers. They have done this in the face of ancient and hereditary prejudices that were as old and as firmly set as the pyramids. It is especially fitting, more than that, it is the *duty* of every American man and woman to free their own minds from ancient hatred and hereditary prejudices, and to instil in the minds of their children the humane principles that underlie our civil State. Let them bear in mind that just so sacred as religion is, so is every one's right to choose the one by which his hopes and his aspirations shall be guided; and that every distinction and proscription based upon the denial of this sacred right is as much in conflict with true religion as with true democracy.

Hon. J. L. M. Curry, in his valuable essay, "Establishment and Disestablishment," very correctly says: "In the United States, it cannot be too frequently or strongly reaffirmed, churches or denominations or sects are on a plane of undistinguishable equality before the law. The government cannot interfere with their doctrines, discipline, worship, or the appointment or support of the clergy. It is sheer impertinence, insolent assumption, to talk of any American citizens as dissenters or

non-conformists, or for any denomination to arrogate to itself the name of the 'Church of the United States'; or for any ecclesiastical functionary to sign himself 'the Bishop of Pennsylvania' or of any other State."

"We can say now," says Charles W. Eliot, the scholarly President of Harvard University, in his work entitled, "American Contributions to Civilization," "as we look back on the history of Europe, how fortunate it was that the colonization of North America by Europeans was deferred until after the period of the Reformation, and especially until after the Elizabethan period in England, the Luther period in Germany, and the splendid struggle of the Dutch for liberty in Holland. The founders of New England and New York were men who had imbibed the principles of resistance both to arbitrary civil power and to universal ecclesiastical authority. In the United States, religious toleration is better understood and more firmly established than in any other nation. It is not only embodied in legislation, but also completely recognized in the habits and customs of good society. Elsewhere it may be a long road from legal to social recognition of religious liberty, as the

example of England shows. This recognition alone would mean, to any competent student of history, that the United States had made an unexampled contribution to the reconciliation of just governmental power with just freedom for the individual, inasmuch as the partial establishment of religious toleration has been the main work of civilization during the past four centuries. In view of this characteristic and infinitely beneficent contribution to human happiness and progress, how pitiable seem the temporary outbursts of bigotry and fanaticism which have occasionally marred the fair record of our country in regard to religious toleration!"

The spirit that guided the work of the founders of our government was not one that was crushed and screwed into sectarian molds by the decrees of intolerant councils, and by the subtleties of ingenious priests; it recognizes the value of every creed, but rises above them all. The grand and noble purpose was to establish justice, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity. This is the lesson of the development of civil as well as religious liberty in the United States.

XIV

**THE FIRST SETTLEMENT OF THE
JEWS IN THE UNITED STATES**



XIV

THE FIRST SETTLEMENT OF THE JEWS IN THE UNITED STATES

“**F**EW greater calamities,” says Lecky, “can befall a nation than to cut herself off, as France did in her great revolution, from all vital connection with her own past.” Here in this historic hall, dedicated by that great commoner, James Otis, as “The Cradle of Liberty,” were held those town meetings throbbing with the nascent principles of democracy. Herein also, where a decade later Samuel Adams and Joseph Warren first organized resistance to arbitrary government, it is most fitting and proper to celebrate an historical event, insignificant in itself, yet whose threads dyed in the blood of martyrs for soul-liberty, find a fitting place in the composite fabric of our continent’s history and in the development of our civil and religious liberties. The historian of the persecution of the Jews, Dr. Kayserling, says: “Where the history of the Jews

in Spain ends, their history in America begins; the Inquisition is the last chapter of the confessions of Judaism on the Pyrenan Peninsula and their first chapter on the continent of the Western hemisphere." The expulsion of the Jews from Spain and Portugal, and the discovery of America, are linked together not only as contemporaneous events, but also in some important contributory relations. Emilio Castelar, in his "History of Columbus," says that as soon as Luis Santangel, the controller-general of Aragon, "one of those antique Jews who have so greatly helped to enlighten the Christian world," heard of the dismissal of Columbus, he prevailed upon the Queen to order his return, and when she complained of the emptiness of the Castilian treasury, Santangel assured her majesty of the flourishing state of the Aragonese finances—doubtless, says the historian, because of the revenues derived from the confiscation of the property of the expelled Jews. From the archives of Simancas, which are still preserved at Seville, it is clear that Santangel, whom the historian has named the Beaconsfield of his time, and whose uncle of the same name, and other kinsmen, died at the stake in

Saragossa, not only was instrumental in connection with Juan Cabrera, also of Jewish lineage, in successfully interposing in behalf of Columbus, but it is proven beyond question that out of his personal belongings he advanced the money that made the voyage of discovery possible. Furthermore, the first and second letters of Columbus narrating the facts of his great discoveries were addressed to Santangel and his brother-in-law, also a Marrano, or secret Jew, Gabriel Sanches.

In order to obtain the crews to man the caravels of Columbus, it was necessary to throw open the doors of the prisons of Palos and other seaports. Within their dungeon walls were found many members of the hunted and expelled race, and it is not surprising that to such men the dangers of the unknown seas would be an attractive escape from their pitiable condition. It is known that the interpreter, the surgeon, and the physician of the fleet, besides several sailors who were with Columbus on his first voyage, were Jews. Castelar says: "It chanced that one of the last vessels transporting into exile the Jews expelled from Spain by religious intolerance of which the recently created and

odious tribunal of the faith was the embodiment, passed by the little fleet bound in search of another world, whose new born creation should afford a haven to the quickening principle of human liberty and be a temple reared to the God of enfranchised and redeemed conscience. . . . The accursed spirit of reaction was wreaking one of its stupendous and futile crimes in that very hour when the genius of liberty was searching the waves for the land that must needs arise to offer an unstained abode for the ideals of progress."

Among the earliest and certainly the most enlightened colonists who came to this continent, to South America, and to the islands in the Atlantic, were many Jews who left Spain and Portugal in order to escape the rack and the stake of the merciless bloodhounds of the Holy Office. The number of the children and grandchildren of those Jews who had been burnt and condemned by the Inquisition, and who settled on the American continent shortly after the discovery, was so large that in 1511 Queen Johanna considered it necessary to take measures against them.

In 1620, when the Dutch West India Company was formed, Jews became influential

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stockholders, and subsequently were directors therein; and in 1654, when the Dutch colony of Brazil came under Portuguese control, many thousand Jews had again to seek a new place of refuge. In September of that year twenty-three of these fugitives arrived at New Amsterdam. They did not receive a hearty welcome by the not over-amiable Dutch Governor, Peter Stuyvesant, whose conception of our future metropolis was to make it a comfortable little Dutch village with a monopoly of fur trade with the Indians. When, six months later, the Governor endeavored to expel the newcomer he was reprimanded by the directors of the Company in Holland, and instructed that the right of the Jews to live unmolested within the colony was unreservedly granted, because to prohibit them "would be unreasonable and unfair, especially because of the considerable loss they had sustained in the capture of Brazil, and because of the large amount of capital they had invested in the shares of the company."

This is the beginning of the first Jewish settlement within the limits of the United States, the two hundred and fiftieth anniversary of which we are commemorating to-night. The

same year, 1655, through the persistent efforts of Menasseh Ben Israel, through the kindly favor of the tolerant Oliver Cromwell, the Jews regained admission into Great Britain, from which country they had been expelled in 1290 under Edward I. Here it should be noted that one of the foremost advocates for the re-admission of the Jews into Great Britain was Roger Williams, that immortal pioneer of soul-liberty, the first true type of an American freeman, who was then in London to obtain a new charter, uniting the several Rhode Island towns, and to secure and safeguard those inestimable blessings to which he consecrated his life, under which "all men may walk as their conscience persuades them, every one in the name of his God."

Three and a half decades before the *Santa Catarina* brought to our shores the little band of hunted and despoiled fugitives from Brazil, another little bark had plowed its way in midwinter through the stormy ocean, wafted by the airs of heaven to yon bleak coast. There she landed her little crew of refugees—men, women, and children—on Plymouth Rock, that stepping-stone to the temple of our liberties, whose capstone, bathed in the

blood of their descendants, was placed two hundred and forty years later by the hands of the immortal liberator, Abraham Lincoln. They were purists without priests or priestly orders, separated from the national church, but at one with their God, and drawing their inspiration directly from the Bible, not from the catechism of Archbishop Laud, but from the open Bible of Moses and Luther. They were in all a hundred souls, whom two hundred years of struggle for freedom had prepared for this voyage. They studied the Old Testament in order the better to understand the New. From the former they drew their civil polity; from the latter their church discipline and ceremonials. Moses was their law-giver, the Pentateuch their code, and Israel under the Judges their ideal of popular government. The path of the crusaders to recover the holy sepulchre was dyed with the blood of the hunted professors of Judaism; and from a hatred organized by the church against "the people of the Book," the Book itself fell into disesteem—a feeling that was carried over with many of the Roman rites into the early Protestant church. With the rise of the Puritans, and their struggle for independence and free-

dom from ecclesiastical tyranny, came a revival of the study of the Old Testament, of Hebrew and of Hebraic learning. With the American Puritans especially, the Mosaic code and the Hebrew commonwealth were living realities, so intense was their interest, so earnest was their religious life. No architect drew his plans with more fidelity of purpose to reconstruct a building after an ancient model, than did the Puritans study this Biblical code and the Hebraic form of government which they endeavored to apply literally to their New Canaan. Elsewhere I have dwelt in detail upon the Hebraic mortar that cemented the foundations of our American democracy, and told how through the windows of the Puritan churches the new West looked back to the old East.

It was only a few years after their first settlement in New York when several of the fugitives and others who had arrived from over sea settled in Newport, where they were hospitably received in consonance with the spirit of the colony's founder, Roger Williams. With these early Puritans, austere in manner and with a church polity exacting and narrow, calling no man master, and with a deep sense of

equality before God, it was but a step to equality among one another, and thus they built up their civil state upon a purely religious, democratic foundation. As Lecky says: "It is at least an historical fact, that in the great majority of instances the early Protestant defenders of civil liberty derived their political principles chiefly from the Old Testament, and the defenders of despotism from the New."

The American Jews, as loyal and faithful citizens, have shared willingly in all the trials our country has passed through, from the days of the Revolution until the present time, and she has found none more ready than they to make every sacrifice that true patriotism demanded. During the Revolution there were only a few hundred Jews within the limits of the United States, yet in the Continental army—not to speak of the ranks—there were two colonels, Colonel Baum of Pennsylvania, and the other Colonel Franks, who was closely associated with Washington, and was the bearer of the treaty of peace to England. Thomas Wentworth Higginson relates that in 1788 in Philadelphia, in honor of the adoption of the Constitution, a rabbi and two Christian ministers marched side by side, "really," are his

words, "constituting the first parliament of religions in this country." In our Civil War more than seven thousand names of Jewish patriots have been identified, and in our lesser war with Spain two thousand and seven hundred participated, and several regiments were formed, but their services were not required.

The criticism is often made that the Jews are clannish, and do not amalgamate with the rest of the population. This is only partly true. Clannish they are, not from choice, but from self-respect. They have amalgamated as far as the delicacy of social relations has justified, and there are not a few of the very best families in this and in other cities who have evidences of that amalgamation in their veins. John Howard Payne, who gave us that song which never fails to thrill a patriot's heart, "Home, Sweet Home," was the son of a Jewish mother. No people, ancient or modern, have made so great sacrifices for spiritual ideas and ideals as the Jews; the longest trail of martyrdom in all history is crimsoned with their blood. George Eliot, quoting the historian Zunz, says in "Daniel Deronda": "If there are ranks in suffering, Israel takes precedence of all the nations; if the duration of sor-

rows, and the patience with which they are borne, ennoble, the Jews are among the aristocracy of every land; if a literature is called rich in the possession of a few classic tragedies, what shall we say to a national tragedy lasting for fifteen hundred years, in which the poets and the actors were also the heroes?"

It is sad and a cause for regret that we must direct attention to the mournful pictures oppression has engraved in blood upon the pages of history; but alas! every day brings to our doors the haggard and hunted faces of fugitives from oppression. The Armenians, among the earliest professors of Christianity, once a proud and noble race, whose numbers have been decimated time and again by organized massacres, daily reach our shores, and give thanks to God that they are sheltered beneath the Stars and Stripes, far beyond the reach of their Russian and Ottoman oppressors. Only yesterday we read with throbbing hearts of the massacre of thousands of helpless men, women and children in Odessa, Kief, Kishinef, and a hundred other cities, towns and hamlets throughout Russia. So long as these terrible outbreaks of religious fanaticism and class hatred disgrace our age

and our civilization, let us not forget the everlasting meaning of the imprint the feet of the Pilgrims made upon our continent, that it shall ever be a "shelter for the poor and the persecuted." To bar out these refugees from political oppression or religious intolerance, who bring a love of liberty hallowed by sacrifices made upon the altar of an enlightened conscience, though their pockets be empty, is a grievous wrong, and in violation of the spirit of our origin and development as a free people; for they too, have God's right to tread upon American soil, which the Pilgrims have sanctified as the home of the refugee.

Ay, call it holy ground,

The soil where first they trod;

They have left unstained what there they found—

Freedom to worship God.

XV

**AMERICA AND THE SPIRIT OF AMERI-
CAN JUDAISM**



XV

AMERICA AND THE SPIRIT OF AMERICAN JUDAISM

THE spirit of American Judaism first asserted itself when Stuyvesant, the Governor of New Amsterdam, would not permit the few Jews who had emigrated from Portugal to unite with the other burghers in standing guard for the protection of their homes. When the tax-collector came to Asser Levy to demand a tax on this account, he asked whether that tax was imposed on all the residents of New Amsterdam. "No," was the reply, "it is only imposed upon the Jews, because they do not stand guard!" "I have not asked to be exempted," replied Asser Levy. "I am not only willing, but I demand the right to stand guard." That right the Jews have asserted and exercised as officers in the ranks of the Continental army and in every crisis of our national history from that time until the present day.

The American spirit and the spirit of American Judaism were nurtured in the same cradle of Liberty, and were united in origin, in ideals, and in historical development. The closing chapter of the chronicles of the Jews on the Iberian peninsula forms the opening chapter of their history on this Continent. It was Luis Santangel, "the Beaconsfield of his time," assisted by his kinsman Gabriel Sanches, the Royal Treasurer of Aragon, who advanced out of his own purse seventeen thousand florins which made the voyages of Columbus possible. Luis de Torres, the interpreter as well as the surgeon and the physician of the little fleet, and several of the sailors who were with Columbus on his first voyage, as shown by the record, were Jews.

Looking back through this vista of more than four centuries, we have reason to remember with justified gratitude the foresight and signal services of those Spanish Jews who had the wisdom to divine the far-reaching possibilities of the plans of the great navigator, whom the King and the Queen, the Dukes and Grandees united in regarding as merely "a visionary babbler" or, worse than this, as "a scheming adventurer." The royal patrons

were finally won over by the hope that Columbus might discover new treasures of gold and precious stones to enrich the Spanish crown. But not so with the Jewish patrons, who caused Columbus, or, as he was then called, Christopher Colon, to be recalled, and who, without security and without interest, advanced the money to fit out his caravels, since they saw, as by a divine inspiration, the promise and possibility of the discovery of another world, which, in the words of the late Emilio Castelar—the historian, statesman, and one time President of Spain—“would afford to the quickening principles of human liberty a temple reared to the God of enfranchised and redeemed conscience, a land that would offer an unstained abode to the ideals of progress.” Fortunately, the records of these transactions are still preserved in the archives of Simancas in Seville.

It is idle to speculate upon hypothetical theories in the face of the facts of history. Of course, America would have been discovered and colonized had Columbus never lived, but had the streams of the beginnings of American history flown from other sources in other directions, it would be futile even to make an im-

aginataive forecast of the effect they would have produced upon the history and development of this Continent. The merciless intolerance of an ecclesiastical system and the horror of its persecutions stimulated the earliest immigration, and subsequently brought about the Reformation in Saxon and Anglo-Saxon lands, and the same spirit drove to our shores the Pilgrim and the Puritan fathers; which chain of circumstances destined this country from the very beginning to be the land of the immigrant and a home for the fugitive and the persecuted.

The difference between government by kings and nobles and government under a Democracy is, that the former rests upon the power to compel obedience, while the latter rests essentially upon the sacrifice by the individual for the community, based upon the ideals of right and justice. If the Pilgrims, the Puritans, and the Huguenots brought with them, as they certainly did, the remembrance of sufferings for ideals and the spirit of sacrifice, how much longer was that remembrance, and with how much greater intensity did that spirit glow in the souls of the Jews, whose whole history is a record of martyrdom, of suffering,

and of sacrifice for the ideals of civil and religious liberty; concerning whom it has been said: "Of all the races and nations of mankind which quarter the arms of Liberty on the shields of their honor, none has a better title to that decoration than the Jews."

The spirit of Judaism became the mother spirit of Puritanism in Old England; and the history of Israel and its democratic model under the Judges inspired and guided the Pilgrims and Puritans in their wandering hither and in laying the foundation of their commonwealths in New England. The piety and learning of the Jews bridged the chasm of the middle ages; and the torch they bore amidst trials and sufferings lighted the pathway from the ancient to the modern world.

"The historical power of the prophets of Israel," says James Darmesteter, "is exhausted neither by Judaism nor by Christianity, and they hold a reserve force for the benefit of the coming century. The twentieth century is better prepared than the nineteen preceding it to understand them." While Zionism is a pious hope and a vision out of despair in countries where the victims of oppression are still counted by millions, the re-

publicanism of the United States is the nearest approach to the ideals of the prophets of Israel that ever has been incorporated in the form of a State. The founders of our government converted the dreams of philosophers into a political system—a government by the people, for the people, whereunder the rights of man became the rights of men, secured and guaranteed by a written constitution. Ours is peculiarly a promised land wherein the spirit of the teachings of the ancient prophets inspired the work of the fathers of our country.

American liberty demands of no man the abandonment of his conscientious convictions; on the contrary, it had its birth, not in the narrowness of uniformity, but in the breadth of diversity, which patriotism fuses together into a conscious harmony for the highest welfare of all. The Protestant, the Catholic, and the Jew, each and all need the support and the sustaining power of their religion to develop their moral natures and to keep alive the spirit of self-sacrifice which American patriotism demands of every man, whatever may be his creed or race, who is worthy to enjoy the blessings of American citizenship.

I do not wish to be misunderstood as claim-

ing any special merit for the Jews as American citizens which is not equally possessed by the Americans of other creeds. They have the good as well as the bad among them, the noble and the ignoble, the worthy and the unworthy. They have the qualities as well as the defects of their fellow-citizens. In a word, they are not any less patriotic Americans because they are Jews, nor any less loyal Jews because they are primarily patriotic Americans.

The Jew is neither a newcomer nor an alien in this country or on this continent; his Americanism is as original and ancient as that of any race or people with the exception of the American Indian and other aborigines. He came in the caravels of Columbus, and he knocked at the gates of New Amsterdam only thirty-five years after the Pilgrim Fathers stepped ashore on Plymouth Rock.

XVI

**A COLLEGE COMMENCEMENT IN TUB-
KEY**

XVI

A COLLEGE COMMENCEMENT IN TURKEY

TWENTY-THREE years ago, when I first represented the United States at this capital [Constantinople], it was my privilege to preside at the commencement of Robert College. Since that time this College has continued to grow both in the number of its students and of its faculty; and year by year it has sent forth increasing classes of young men who have enjoyed the benefits of its educational facilities. This College was originally founded by the munificence of an American merchant, whose aim was to bring to the young men of the Orient the advantages of our American system of higher education, so as to fit them to promote the welfare and the best interests of this Empire. The purpose that the founders of this institution had in view—Christopher Robert, the munificent, and Cyrus Hamlin, its first President and the organizer

of its plan and scope—was purely benevolent. It was not to advance America in Turkey, but to bring to Turkey some of the elements that have made the United States the equal of any nation on the globe. That country has no political objects or aims, and never will have, in this Empire. She seeks for her citizens equal rights, the same that she accords to such citizens and subjects of other countries as make their homes in our country. Nowhere in the world was the new régime of Turkey more sincerely welcomed than in the United States.

This College was not founded, nor has it been sustained, by any subvention from the American Government, but, like our universities at home, it has been supported from first to last by the munificence of private individuals; and only last year, John S. Kennedy, of New York, a Scotchman by origin and an American in spirit and munificence, who for many years was President of the Board of Trustees, left a part of his large fortune for its development. One of the first extensions to be made, will be the establishment and equipment of an engineering and electrical department, where the young men of the Balkan States and of this Empire may have the op-

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portunity of fitting themselves to advance the economic interests of this and the neighboring countries, to develop their resources, and to equip this Empire with those mighty forces which, under a liberal government, will bring happiness and wealth to its people.

Young gentlemen, both graduates and under-graduates, I wish you to bear in mind that the opportunities for education are of no consequence unless you have the energy, the industry, and the will to take advantage of them. There is a limit to what others can do for you. Andrew Carnegie, who by thrift, industry and ability, amassed one of the greatest fortunes of the world, and whose practical benevolent work has probably been greater than that of any single man in all history, said that in trying to help others, all that we can do is to place the ladder against the wall; the climbing has to be done by the individual himself, no one can mount the ladder for him.

This day marks your commencement. Heretofore your professors and tutors have shown you what to do and how to do it; from this time you take your places in the greater world, and you will have to rely upon yourselves and do for yourselves. The task is not easy, and

often the rewards are long deferred. There is no royal road to knowledge or to genuine success. Kings fail, while the patient struggling toiler often achieves a fame that outshines the glory of kings. The more difficult the path, the greater the struggle, and often the richer are the rewards.

Knowledge and success are democratic. Favoritism, the smile of kings, and the privileges of family may bestow title and position, but they cannot bestow knowledge or the success that is based on knowledge. These must be won by individual effort; these are rewards that cannot be confined to birth, rank, or station, but belong exclusively to the toilers, that privileged class whose ranks are open to all, and where success awaits him who is able to achieve it—that class from whose loins have sprung ninety-nine out of every hundred of the men whose names are recorded on the world's roll of fame, from Homer to Shakespeare, from Mohammed to Luther, and from Pericles to Washington.

The path to success is not a royal road through which you can drive two abreast, nor can you climb it on a donkey's back. Some try it that way; but it does not take the world

long to discover that two donkeys are traveling the same path. You must especially have a care not to handicap yourselves with any obstructions or incumbrances, but to expend your energies wisely, for along that path no hostages can be given to fortune. You must economize your money and your time; and if you have no money, by all means economize your time by filling it with useful occupations, for frivolous fatigues and self-indulgence are the sirens that wreck countless thousands on the barren rocks.

Learn, young gentlemen, to depend upon yourselves, and avoid falling into the habit of blaming others for your own defects and your own defeats. The unsuccessful always cast the blame upon the wrong person. The man who holds himself responsible has discovered the right person to rely upon, the one who can be depended upon, in season and out of season, in sunshine and in storm, to do his best. The man who learns how to help himself best can always command willing hands to help him do better. Those who fail to learn this are those who fill the world's poorhouses. Success is not won by the choice of the profession or calling you adopt—these are mere in-

cidents—but by the amount of energy, industry, and ability you devote to your careers. The late famous railway king of America began life as a *caiquejee*¹ on the Hudson River. The greatest President of the United States since Washington began life as a day laborer on a farm, earning a *beshlik*² a day. A son of toil, from the poorest of the poor, beset with countless obstacles, with no family or friends to help him, his own father shiftless, his associates shiftless, grown almost to manhood before he had acquired the rudiments of a common-school education, yet with a hopeful and sunny temperament, with a tireless energy and an iron purpose, he strode onward and upward until he reached the highest pinnacle, from which he struck the shackles from 4,000,000 slaves, and, with a firm hand and a pure heart, guided the American people through the most trying times in the history of the country. Such was Abraham Lincoln.

The opportunities that here have been given to you to enjoy, in a country where those opportunities as yet are limited, devolve upon you exceptional responsibilities to serve your

¹ Turkish for boatman.

² A Turkish coin worth about 20 cents.

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country and to advance her best interests. Education, learning, the mental weapons to enable one to achieve success, can be used for evil as well as for good; therefore, unless education is based upon character, upon truth, honesty and justice, the possessor of those qualities becomes the ally of wrong and darkness instead of right and light. I am sure that this principle has been instilled in you by every member of the faculty, and by the spirit of this institution; and unless you hold fast to that spirit, all that you have learned will be like "pearls thrown before swine." I trust you will not leave here with the idea that book-learning alone is education. I have known the most ignorant men, from all useful and practical points of view, who have had college education; and many most useful and informed men who have been deprived of educational opportunities. I cannot illustrate this better than by the following incident. A story is told that in the middle of last century the first Vanderbilt visited London at the time when Lord Palmerston was Premier. Our Minister to the Court of Saint James was George M. Dallas. At that time the American clipper ship was the best built vessel that trav-

ersed the ocean; and Vanderbilt was the largest owner of those great sailing-ships. Lord Palmerston asked our Minister for many details regarding the clipper ships, which were the admiration of all nations, and our Minister replied that he was not informed in regard to the details, but suggested that Mr. Vanderbilt, who was then in London, could give the information. A few days afterward Lord Palmerston summoned Vanderbilt, and put to him a great many questions regarding the construction of the ships, to which Vanderbilt was able to give accurate and definite answers. Vanderbilt was what is called a self-educated man. He was a poor boy, and began early in life to earn his living. He grew in knowledge and in experience with his business, and he spoke English with no grammatical accuracy. Lord Palmerston, after this interview with Vanderbilt, met Dallas, and expressed his great gratification for the information so readily given to him, and then he added: "It is a pity that Vanderbilt, who possesses so great a mind, seems to be so poorly educated." Dallas repeated to Vanderbilt the gratification that Lord Palmerston had expressed, and in frankness added the remark about education that his Lordship

had made. Vanderbilt replied: "You tell Lord Palmerston that if I had learned education I would not have learned anything else." In other words, there is, in some important respects, a difference between knowledge and book-learning; and there may be much book-learning with very little knowledge. No man can ever amount to much, no matter how much learning he may have absorbed, unless he has a well-regulated ambition to perform the duties that are before him. I would compare a man with much learning and without ambition to a furnace filled with coal, but which has no adequate flue to give the fire a living draft.

In April, 1909, the people, under the leadership of great and wise men, accomplished, as by a stroke, one of the greatest reforms that ever have been witnessed in the history of nations. The most crushing form of absolutism was overthrown, and a modern government, under a constitution and a parliament of the people, with responsible ministers, and under a kind and patriotic sovereign, was constituted. Individual liberty was made secure, the depressing and corrupt spy system was abolished, all men were permitted to breathe freely, and the national life of Turkey began

anew. All this happened only a year ago; and a year is but a day in the history of nations. There are many who find fault with the Government, and complain that so little material progress has been made. It is true that the economic welfare of the people has as yet been very little advanced; but that is quite natural. It behooves all to have patience and support the hands of the Government; in other words, this is the time for patriotism, and not for fault-finding. What this country needs, and what every country must have if based upon a parliamentary system, is enlightened public opinion; and there is no higher duty incumbent upon educated men, there is no more urgent call for patriotism, than to educate public opinion; to point out the advantages of the new system, to preach patience and toleration among the different creeds and races, to unify the people and to teach them to select the best men to represent them in Parliament. In the words of Scripture: "Love mercy, do justly, and walk humbly with thy God." How beautiful are the words of the poet, which in this land of many creeds and races have a special application:

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Shall I ask the brave soldier who fights by my
side

In the cause of mankind, if our creeds agree?
Shall I cast off the friend I have valued and tried,
If he kneels not before the same altar with me?



XVII

**ROOSEVELT: HIS CATHOLICITY AND
STATESMANSHIP**



XVII

ROOSEVELT: HIS CATHOLICITY AND STATESMANSHIP

“**T**HIS government was formed with, as its basic idea, the principle of treating each man on his worth as a man, of paying no heed as to whether he was rich or poor, no heed to his creed or his social standing, but only to the way in which he performed his duty to himself, to his neighbor, to the State.” This quotation from one of Mr. Roosevelt’s addresses expresses, better than any words of mine, the catholic spirit which has ever actuated him in public as well as in private life. Most men have either race, religious, or national prejudices. Some are able to overcome them. Roosevelt seemed to me never to have had any occasion to overcome such prejudices, as they never found lodgment either in his heart or his mind. His attitude toward the subject of immigration has ever been just, broad and humane, recognizing fully and gen-

erously the contributions the newcomers have made and are making to our national life.

He is fond of dwelling upon our composite citizenship and the benefits that our country, from the earliest times, has derived from the newcomers. At the Saengerfest in 1903, in Baltimore, in commending the German immigration, he said:

Throughout our career of development the German immigration to this country went steadily onward, and they who came here played an ever-increasing part in the history of our people—a part that culminated in the Civil War: for every lover of the Union must ever bear in mind what was done in this commonwealth, as in the commonwealth of Missouri, by the folk of German birth or origin who served so loyally the flag that was theirs by inheritance or adoption.

In his address at the unveiling of the statue of Frederick the Great he paid a beautiful tribute to the men of German origin and parentage who contributed so largely to our national development, both in war and in peace, from the beginning of our history. Among others he singled out John Peter Muhlenberg, a general in the Revolutionary War, and afterward a member of the first House of Repre-

sentatives; Nicholas Herkimer, the commanding general who won for us one of the decisive battles of the war and saved the Valley of the Mohawk to the American cause; and the magnificent services rendered by the gallant Baron Steuben.

He rebuked again and again that form of sectionalism and narrow-mindedness that would make an invidious distinction among our people according to the country from which they or their ancestors came. Referring to this spirit of separateness, he said:

Here on this Continent, where it is absolutely essential that the different peoples coming to our shores should not remain separate, but should fuse into one, our unceasing effort is to strive to keep and profit by the good that each race brings to our shores, and at the same time do away with all racial and religious animosities among the various stocks.

In an address at the White House, in welcoming the German veterans of our Civil War, he declared that, of the many strains that make up our common stock, none has given us better Americans than those of German birth and blood; that the reverence a man preserves for his native land or the land of his fathers, instead of militating against his loving and

doing his full duty by the land of his adoption, should help him to be a better and more patriotic citizen. "If a man is a good son, he is apt to make a good husband; and the quality that makes a man reverence the country of his birth, is apt to be the quality that makes him a good citizen in the land of his adoption." Referring to the relationship between Germany and the United States, he said that the ties that unite them are many and close, and "it must be a prime object of our statesmanship to knit the two nations ever closer together. In no country is there a warmer admiration for Germany and for Germany's exalted ruler, Emperor William, than here in America."

To portray adequately the catholicity of Roosevelt would necessitate the writing of his public life. I have only selected a few passages at random from several of his addresses. The spirit of sectarianism was never more emphatically rebuked than by him after the last national election, in replying to letters addressed to him during the campaign, by some writers, who urged against Mr. Taft that he was a Unitarian, and by others, that members of his family were suspected of being

members of the Catholic Church. This letter of President Roosevelt's deserves to be treasured side by side with the most hallowed documents of our history. To quote only a single clause, he said:

In my cabinet at the present time there sit, side by side, Catholic and Protestant, Christian and Jew, each man chosen because, in my belief, he is peculiarly ~~fit~~ to exercise, on behalf of all our people, the duties of the office to which I have appointed him. In no case does this man's religious belief in any way influence his discharge of his duties, save as it makes him more eager to act justly and uprightly in his relations to all men.

We are as yet too near to the Roosevelt administration, to its objects, tendencies and achievements, to estimate properly its permanent impress and effect upon the country and the life of our people.

Following the French Revolution, and generally throughout Europe after the uprising of the people in 1848, the growth of the capitalist class began. That growth developed the modern commercial spirit which produced results the most beneficent of any era in modern times. The commercial spirit was democratic; it rooted out old class prejudices, and tore down

the political barriers that enchained the masses. It dignified labor, and elevated the laborer from serfdom to a free agent, with rights as distinguished from restricted benevolent privileges such as the master concedes to his servants. In the wake of this change, and largely by reason of it, came those marvelous mechanical inventions in every sphere of industry which multiplied a hundred-fold the productiveness of human effort. The power of the capitalists, which grew with increased production, rested upon the growing intelligence of labor, and with this intelligence was developed organization, and then came demands on the part of the wage-earners for shorter hours, better wages, and higher standards of life and living; in other words, a striving for better conditions, for "social justice"—in the graphic language of President Roosevelt, a demand for a "square deal." This square deal signifies equal justice to all, guarding the rights of capital and at the same time checking the greed of the capitalist, preventing the encroachment of corporate power upon governmental functions, and opening wide the highways of opportunity for the individual American, protecting him in his economic

rights, and redressing his "justified grievances" in the light of the modern standards of life and his requirements as a free agent in a free community.

Our country in its development has passed through two distinct political stages. First, its national construction period under the fathers. After that the civil rights, or preservative period, and now we are in the third stage, the period of "social justice." By the providence of God, and the wisdom of our people, each of these periods developed and brought to the presidential chair the philosopher and statesman equipped with the qualities of heart and mind to lead the country through storm and stress, amid calumny and abuse, to a higher and broader plane of righteous democracy. Washington and Lincoln, the leaders of the first two periods, have passed into history. The third period is in process of development, its leader is still in the prime of life, and the ship is sailing by the soundings and the chart this great pilot has made.

The struggle for "social justice" is making itself felt in Great Britain, Germany, and France, in all enlightened lands. It can not be

ignored, nor can it be suppressed; but with humane foresight and statesmanly wisdom it can be guided. The disturbing strivings of one age, when wisely directed, become often the constructive and preservative forces of the ages that follow. The problems of this struggle are not purely economical. The old laws of the economists of the eighteenth century, of supply and demand, when applied to modern life and living, to wages and labor, disregarded the human side and worked social injustice, which our new and enlarged industrial system intensifies and magnifies. To preserve the benefits and to correct the evils of this modern industrial development, to prevent it from crushing under its iron wheels the opportunities and prospects of the plain people, that is the problem of "social justice."

The measures formulated into law, and recommended and advocated with such power and force by President Roosevelt in his message to Congress, and in his public addresses during the seven years of his administration, were devoted to this great problem. Every measure and policy of the Roosevelt administration was based not alone upon moral convictions, but upon a statesmanlike forethought and forecast

for the future of the country. That he encountered the violent opposition of the powerful corporations whose expanded vested interests not only eliminated competition but contracted individual rights, was to be expected and foreseen. All reforms and reformers have encountered the reactionaries of privilege and power, who persuaded themselves that their vested interests, however acquired and however administered, were vested rights. These reactionaries, when not checked and made obedient to the legitimate demands and needs of the many, have produced a strong revolutionary movement at the other end of the social system. None of our Presidents has possessed, in an equal degree, a mind so enriched with an historian's knowledge of the past, combined with a statesman's foresight of the future, as Roosevelt. His measures have all been conceived under the guidance and inspiration of this dual equipment of retrospective knowledge of national growth and prospective insight into national tendencies. With that confidence and deep sympathy for the plain people of our country, upon whose judgment and sense of justice all our great Presidents, in times of transition and stress, placed their

ultimate reliance, Roosevelt has vitalized and appealed to the public conscience of the nation and "has given an impulse to ways of thinking about life and policies that will ultimately bear fruit in a broader democracy, and increased recognition of human rights, and the establishment of a wider justice on a firm basis of morality and civilization."¹

Though born an aristocrat, as that term is used among us, by his life and rugged experience among the pioneers of our Western plains, and because of his open-mindedness, his wide human sympathies, Theodore Roosevelt, if we may judge from the record of his wonderful career, which is but half run, has made an impress upon the life of the nation that marks him as the foremost champion of social justice. Differ with him as you may on details, and criticize the power and tremendous energy with which he drove forward his uplifting measures, all must recognize the effectiveness of his high purpose in directing the material forces of our economic age, so as to broaden and better the opportunities of life and living for the average American—man, woman, and child.

¹ Sydney Brooks in the *Fortnightly Review*, April, 1913.

XVIII

BARON MAURICE DE HIRSCH



XVIII

BARON MAURICE DE HIRSCH

WHEN the news was flashed across the ocean that Baron de Hirsch was dead, it caused a pang of sorrow over the four quarters of the earth. Men stopped, with hushed breath and heavy hearts, and silently paid homage to him whose benefactions circled the globe from the pyramids to the Golden Gate. Baron de Hirsch cannot be measured by ordinary standards; his activity was both varied and colossal, whether as financier, organizer, railroad constructor, diplomat, statesman, man of the world, or philanthropist. But as the rivulets run into rivers, and the rivers flow into the ocean, so did all these qualities culminate in equipping him with the resources, power, and capacity of becoming the leader of a gigantic exodus of his fellow religionists. He had a wonderful capacity for making money, but more wonderful still was his heaven-given impulse to do the most good with

it. His gigantic enterprises in constructing those arteries of civilization, the railroad through benighted lands, through Russia, Roumania, and Turkey, brought him into close relations not only with the Czar and the Sultan, with ministers and diplomats, but also with the humblest hewers-of-wood and drawers-of-water, the men who plied the shovel and wielded the pickaxe in making the road-bed for his iron horses.

A few details of family history, and a brief reference to his numerous benefactions, must precede a fuller consideration of Baron Hirsch's philanthropic aims and methods. He was born on December 9th, 1831. His grandfather, Jacob Hirsch, born in Bavaria in 1764, founded the financial eminence of the family, was appointed royal Bavarian court banker, and was raised to the rank of the nobility. He was a man of generous nature and great public spirit, and in him the noble bias for philanthropy which distinguished his son and grandson was notably shown in many charitable works. His second son, Joseph, succeeded the father as court banker, and by his ability and enterprise greatly increased the financial and commercial importance of the

family. King Louis II raised him to the hereditary baronage in recognition of "his fidelity to the throne and in acknowledgment of his many useful works." His eldest son, Baron Maurice de Hirsch, the subject of this sketch, after a plain but sound education and some time spent in his father's counting-house, engaged in business on his own account. In 1855, having married a daughter of Senator Bischoffsheim, of Brussels, he became a member of the banking house of Bischoffsheim and Goldschmidt. He soon became the master mind of the bank, and from this time his financial, commercial, and railroad enterprises were a record of unbroken successes scarcely paralleled. But in the midst of these successes his generous heart and alert mind kept in close touch with plans, broadly conceived and skillfully realized, for uplifting his fellowmen.

He was probably most generally known and esteemed in England, although he prized his connection with Austria-Hungary, of which he was a domiciled subject and where he had his chief place of residence. His benefactions in England were for the general good, including splendid gifts to hospitals and other charitable institutions. Vienna, Buda-Pesth, Cra-

cow, Lemberg, and other cities also benefited by the Baron's generosity. The Alliance Israélite Universelle, an association founded for the education of Jews in the East, has also derived practical support from the Baron's munificence. On learning that the funds of the Alliance had proved insufficient for the maintenance of its schools, he presented a large sum to supply deficits, continued his aid for several years, and in 1889 consolidated his donations and replaced them by a fund whose annual income of \$80,000 is used in the maintenance of elementary and apprenticing schools.

It was in behalf of plans for Jewish emigration and colonization, however, that his most earnest efforts were enlisted. He endowed a trust fund for the benefit of Russian Jews who had settled in the United States, and also established a colony of Russian Jews in the Canadian Northwest. His chief concern, as is well-known, was for the betterment of his oppressed co-religionists in Russia.

With the accession of the late Czar came a policy of reaction, devised with the finesse of the nineteenth century, but outstripping in its diabolical purposes the barbarity of the Middle Ages. The inspirer of this ungodly cru-

sade against five millions of peaceful, unoffending, and loyal subjects, is the Chief Procurator of the Holy Synod of the Russian Orthodox Church. When asked how those infamous "May laws," which embody his policy, would rid Russia of five million Jews, he is reputed to have answered, "One third will be driven into exile, one third will be forced to conversion, and one third will die of hunger." This was in 1881 and 1882, and the enforcement of those laws has been accompanied by pillage, burning, and death. Baron de Hirsch was then fifty years of age, engrossed in his many affairs. To the surprise of every one he stopped, in mid-career, marshaled his resources, and turned his active brain and tireless energy to the problem of reclaiming his suffering co-religionists from humiliation worse than slavery, from starvation and destruction. His first move was to offer to the Czar, through this same Chief of the Holy Synod, fifty million francs for education in Russia, to be applied without distinction of creed or race, hoping that the dissemination of education, mechanical and mental, would in the end induce a better condition, from the lowest to the highest of the Czar's subjects.

Russian autocracy, which was framing laws to limit, not to extend, the advantages of education, rejected the munificent offer unless Baron de Hirsch would remove his conditions and permit the expenditure to be made as the Czar and his ministers saw fit. But Baron de Hirsch was too well-acquainted with Russian officials to part with his money in order to line the pockets and adorn the palaces of the persecuting Russian ministers of state.

The great philanthropist, in his affinities, friendships, and associations, was neither Christian nor Jew, but cosmopolitan. Creed lines had no significance for him. He was already well-known for his generous contributions in many directions and for many causes. The misery, and not the race or the religion of the Russian Jews, attached Baron de Hirsch to their cause and summoned him, as by a voice from God, to assume the colossal task of devising plans and pouring out his treasures with endless munificence for colonizing them in other lands. In a magazine article published five years ago, he said :

In relieving human suffering I never ask whether the cry of necessity comes from a being who belongs to my own faith or not; but what is more natural

than that I should find my highest purpose in bringing to the followers of Judaism, who have been oppressed for a thousand years, who are starving in misery, the possibility of a physical and moral regeneration?—than that I should try to free them, to build them up into capable citizens, and thus furnish humanity with much new and valuable material? Every page in the history of the Jews teaches us that in thinking this I am following no Utopian theory, and I am confident that such a result can be attained.

Here let me say in answer to some evil-disposed critics who, incapable of adequately appreciating the magnificent unselfishness of the man and the boundless scope of his philanthropy, have attributed his enormous benefactions to the bereavement he had suffered in the death of his only son—a handsome young man of brilliant promise—that he had begun to devote his energies to the self-imposed task of his life before this calamity befell him. For years he had given annually very large sums to maintain ordinary and trade schools, hospitals, and asylums throughout the Oriental countries. He had maintained hospitals and had given large sums of money for relief during the Russo-Turkish war, and had sent one million francs to the Empress of Russia for

charitable purposes. He had begun negotiations for a foundation, which was enlarged twenty-five million francs, for educational institutions in Galicia consisting of forty institutions, wherein five thousand pupils, without distinction of creed, are being instructed. I had hoped that his son—who doubtless would have realized the hope had he been spared—would make it the aim of his life to carry forward and perfect his projected works of benevolence and philanthropy. The loss of this promising son was a severe blow to him and doubtless had the effect of enlarging and extending his benefactions. On one occasion when it was remarked that Baron de Hirsch had lost his son and heir, he replied: "My son I have lost, but not my heir; humanity is my heir."

Following an interview, partly true and partly not, a rumor was circulated that he had said that the Jews of Russia should abandon their faith and become Christians. To correct this he sent a reply to some gentlemen in England therein declaring he had hoped that he had given too many proofs of his devotion to Judaism and to the Jews to be suspected of hostility to a people he had defended with

much spirit and supported with his resources. Profoundly afflicted at seeing so many of his co-religionists reduced to misery by reason of religious or racial hatred, he desired simply and plainly to tell the anti-Semites that persecution intensified religious sentiments and defeated the very objects they sought to attain. He added, "Remove every barrier, admit your Jewish compatriots to every right and the advantages of social life, and there will be more chances for effecting the fusion which they appear desirous of bringing about."

To perfecting and carrying forward his plan of relief, Baron de Hirsch, cosmopolitan as he was, speaking half a dozen languages with readiness, and on terms of intimacy with many of the rulers and statesmen of Europe, applied all his vast powers and opportunities. There is little doubt that his social relations with princes and statesmen, philosophers and literary men, were, in many instances, cultivated as influential channels to further his philanthropic plans, just as an ambassador, singly devoted to his country's welfare, utilizes social life to advance interests committed to his charge. That such was his purpose, and not to gratify any personal ambition, is shown by

the absence of vanity in his nature. No appeals made to him to set aside funds, or to make public donations, for the erection of buildings and monuments to perpetuate his name, ever enticed him to divert his money from his plans of philanthropy. He was not an ascetic, but rather a Sybarite. He loved fine horses, equipages, and the luxuries of life. Whatever he undertook he did on a large scale, whether as financier, as philanthropist, or as an owner of racers. Even his pleasures contributed to charitable enterprises. His winnings on the turf and the proceeds from the sale of his horses, aggregating half a million dollars, he distributed among the London hospitals.

It is quite impossible to give a complete list of Baron de Hirsch's benefactions, but the following are probably the best known: Jewish Colonization Association, \$50,000,000; De Hirsch Trust for the United States, \$2,500,000; Trust Fund for education in Galicia, \$5,000,000; Fund for assistance of tradesmen in Vienna and Buda-Pesth, \$1,455,000; Fund for the Hungarian poor, \$1,455,000, Turf winnings during 1891-4, distributed for charitable purposes, \$500,000; Gift to the Empress of

Russia for charitable purposes during Russo-Turkish war, \$200,000; Gifts in 1893 to London hospitals and other charities, \$200,000; Gifts to Alliance Israélite Universelle, \$400,000; Proceeds of the sale of his son's racing stud, distributed among charities, \$60,000. These alone amount to the enormous sum of nearly \$62,000,000.

His constant care was, not to overcrowd the lands to which his army emigrated; he did more than all restrictive laws have done to regulate the exodus and the immigration, to select men who would apply themselves to handicrafts and principally to agriculture. He had an abiding faith that the Jews of Russia, if properly directed, would again become tillers of the earth, as their forefathers had been in Babylon and Judea. He never tired of dwelling upon the importance of directing the immigrants in these channels exclusively, so that they would become a part of the sturdy yeomanry of the countries wherein they settled, and would realize the promise of peace and security contained in the Book of Micah: "But they shall sit every man under his vine and under his fig tree; and none shall make them afraid." These views were clearly

and forcibly expressed by Baron de Hirsch in *The Forum* for August, 1891. He wrote: "In the lands where Jews have been permitted to acquire landed property, where they have found opportunity to devote themselves to agriculture, they have proved themselves excellent farmers. For example, in Hungary they form a very large part of the tillers of the soil, and this fact is acknowledged to such an extent that the high Catholic clergy in Hungary almost exclusively have Jews as tenants on mortmain properties, and almost all large landholders give preference to the Jews on account of their industry, their rectitude, and their dexterity. These are facts that cannot be hid, and have force, so that the anti-Semitic movement, which for a long time flourished in Hungary, must expire. It will expire because every one sees that so important a factor in the productive activity of the country, especially in agriculture, cannot be spared. My own personal experience, too, has led me to recognize that the Jews have very good ability in agriculture. I have seen this personally in the Jewish agricultural colonies of Turkey, and the reports from the expedition that I have sent to the Argentine Republic plainly

show the same fact. These convictions led me to my activity to better the unhappy lot of the poor down-trodden Jews, and my efforts shall show that the Jews have not lost the agricultural qualities that their forefathers possessed. I shall try to make for them a new home in different lands, where, as free farmers, on their own soil, they can make themselves useful to the country."

In the prosecution of his plans he searched in every direction for reliable and responsible agents, men who combined brain with heart for the work, especially avoiding those who clamored for lucrative employment, who stormed his door and filled his mails with applications. He cared not to what religious sect such agents belonged; he wanted men, true men of capacity, whose hearts throbbed with philanthropic impulses. His most valued assistant in all his work was his wife, with whom he took counsel and to whom he imparted every detail, who read his letters and assisted in his correspondence, who accompanied him in his travels and shared his every hope and encouragement—for discouragement he never entertained. Baroness de Hirsch is a remarkable woman, kind, gentle, accomplished, and

most simple in her tastes. She is a Lady Bountiful wherever she goes, and spends a large part of her separate fortune in maintaining schools, asylums, and hospitals, which she visits personally and directs with discrimination and judgment. At Constantinople, I have known her day after day to visit the poorer quarters of the city—and they are very poor—and relieve with her own hands the misery and poverty among Mohammedans, Christians, and Jews.

Until his death, ten years ago, one of the most efficient of Baron de Hirsch's agents was the Chevalier Veneziani, who installed several Masonic lodges in the Orient and expended large sums of money for the Baron in establishing hospitals, homes, and schools. The Baron was instrumental in inducing Hall Caine, author of "The Manxman," to visit Russia a few years ago for the purpose of studying the condition of the peasants and the lower classes. Mr. Caine, it is believed, made a report to the Baron, but he was so impressed, or depressed, with the sadness of the conditions he there found, that he has not as yet been able to write and publish the result of his observations. Mr. Arnold White, an authority

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on sociological questions, who has had much experience among the lower classes in London and on the Continent, was sent by Baron de Hirsch on a mission to Russia. He selected Mr. White because of that experience and in spite of the fact that the latter in his writings had shown himself rather prejudiced against his cause. The Baron wanted light, not sentiment, to guide him in his vast plans, believing as he did that permanent good is only defeated by the temporary expedients that sentiment interposes. He realized that colonizing was like planting trees—it required time to bear fruit; his hopes rested upon the children of the emigrants and upon the succeeding generation. The forty years in the wilderness might be shortened, but not escaped, until the Promised Land should give its blessings.

Baron de Hirsch's noble work does not cease with his death, but rests on carefully planned foundations, administered by agents whom he chose in the several countries. His idea was, that in time the work would be self-acting and that the first comers, after they were settled and had reached a certain degree of independence, would attract others to themselves and lead out more and more of their brethren, so

that in another generation Russia, freed in part from the activity and energy of the Jews, would learn to appreciate their economic value, or like another Spain, meet her deserved fate and become a helpless victim of her own intolerance.

The Baron never took part in politics in any form; they were not to his taste. He doubtless recognized that favoring one side would array the other side against his project for the relief of the Russian Jews. He admired men with courage and firmness for the right, and when he learned of Mr. Cleveland's election to the Presidency in 1892 he wrote me a letter expressing his congratulations to the country in selecting as its Chief Executive a man of liberal views and large heart, who stood firmly upon his convictions as against expediency or policy.

Baron de Hirsch is the Napoleon of this great exodus; and for every life that great Liberator of the Jews of France lost in his Russian campaign, Baron de Hirsch has led out two lives, whose children's children will not forget Russia, but will swell the ranks of the sons of liberty, and in the end will triumph where Napoleon failed. There is something

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greater than autocratic power or the power of armies or of navies—and that is the aroused indignation of the civilized world. Before the altar of eternal right and justice kings must bend the knee and dynasties molder into dust—

For freedom's battle, once begun,
Bequeathed by bleeding sire to son,
Though baffled oft, is ever won.



XIX

**GENERAL BARON T. KUROKI OF THE
JAPANESE ARMY**

1. The first part of the document is a list of names and addresses of the members of the committee.

2.

XIX

GENERAL BARON T. KUROKI OF THE JAPANESE ARMY

“**A**LL mankind loves a lover,” and the whole world honors a hero, especially if his laurels have been won in a just cause. France had her Napoleon, England her Wellington, Germany her Moltke, America had her Grant and has her Dewey, and Japan has her Kuroki. Self-preservation is the first law of nations as well as of nature; and even those of us who took part in the great Peace Congress that only a few weeks ago echoed its messages of hope from so many platforms, must recognize the potency and necessity of that law of nations.

More important than the limitation of armaments is limitation of the causes of war, and this can be done best by infusing into international relations the hypodermic solution of international morality. Within the memory of the living, the so-called code of honor be-

tween individuals has practically disappeared, and the code of law has replaced it, to the credit of our civilization. A like transformation is taking place in the field of international ethics, so that the so-called doctrine of expediency based upon might is fast giving way to the principles of international relations based upon right.

No country and no people in the history of ancient or modern civilization has ever gone through a more rapid renaissance than the Island Kingdom of Japan, and that is because "this child of the world's old age" had been brought up by parents who had lived through centuries of development and civilization, which served her as a springboard to leap within a generation from out of her oriental slumbers to the front rank among nations. It was but half a century ago that the United States, through Commodore Perry, took Japan by the hand and led her out of her oriental seclusion and showed her the triumphs of our western civilization and introduced her with proverbial American hospitality to the council-board of western nations. From that time to this, the closest relations of amity and friendship have continued between our country and

Japan. Thirty years later our country followed Great Britain in recognizing the wonderful progress in all that constitutes a civilized nation by conceding to Japan the full rights of an independent nation, and in consenting to the abolition of extraterritorial privileges, and endowing her with full and complete judicial autonomy. The Government and people of Japan, not unmindful of the good will and sponsorship of our country, are too wise to permit the San Francisco school incident, which was fostered by ignorance and propagated by injustice, to cloud their just appreciation of the enlightened spirit of American institutions.

Japan, alone among nations, has given the world an example how a people can throw off the shackles of an oppressive autocracy and endow itself with all the safeguards of liberty and justice under a constitutional form of government, by following along the paths of peaceful evolution, instead of going through the terrible struggles and devastation of bloody revolutions. Japan is the land of liberty, civil and religious. Her religious liberty is even far in advance of nations who pride themselves upon this most precious of national vir-

tues. Her people have no prejudices based upon religious or ecclesiastical grounds, and all men of every church and creed are free to worship their God in accordance with the dictates of their own conscience, in the fullest and widest acceptance of the meaning of religious liberty.

Japan, which has learned much from the West, has even more to teach the West. Persistence, self-control, and preparedness are among her national qualities; her officers exemplify the highest skill united with the highest patriotism; her soldiers, while reckless in their bravery in sacrificing their own lives, are uniformly humane even to their enemies, and no nation is served by a more competent diplomatic body—men of reliability, judgment, and moderation. We heartily welcome her conquering hero, who has fought battles that will rank among the greatest in history, and whose army has never met with defeat. What is the message that this great and modest hero brings to us? Permit me to quote his own words: "The Japanese people love peace and want peace. They fought for peace, which without fighting could not have been. My nation wants peace—peace in which to develop.

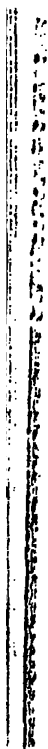
We have no other desire. The profession it is my fate to follow is noble only in that it is sometimes useful in establishing conditions in which peace may be maintained and the arts of peace may flourish." Nobler sentiments never fell from the lips of a conquering hero. They will stand beside those that were uttered by the hero of Appomattox, who said, "Let us have peace."

General Kuroki, may the memory of your glorious victories, which have shed so much honor upon the armies of Japan, give to her people unending years of peace, happiness, and prosperity.



XX

CARDINAL FARLEY



XX

CARDINAL FARLEY

WHEN I walked along Fifth Avenue a few nights ago I saw Saint Patrick's Cathedral illuminated in honor of Cardinal Farley. Its Gothic doors and windows, its façades, arches and spires were one blaze of light, shedding its brilliant rays over the city. This emblematically suggested to my mind that when a good man rises to greatness and exalted place, his glory belongs not exclusively to one church, to one sect, to one district, but to all churches, to the people at large, to this great city, to the nation over which has spread the influence of his career and his beneficent services. For that reason we receive with joy and glorification the noble priest who has come back to us from Rome with his Cardinal investiture. We are all proud and happy that this signal recognition has been given by the Holy Father to an eminent and distinguished

American whose whole life has been consecrated to benevolent work and patriotic services.

As Cardinal Gibbons said of our distinguished guest a few evenings ago, "although not a politician, his Eminence is a statesman and a patriot. He is a lover of his country, and we need Cardinal Farley to protect us against the evils of sedition and other dangers that beset us." And may I say further, we need Cardinal Farley, whose career has been a blessing from a humble priest to a prince of the church, whose fifty years of service have been devoted to guiding the rich in paths of righteousness, and to uplifting the poor and making their lives more happy and hopeful, all the time building the bulwarks of peace and order, the fatherhood of God and the brotherhood of man. We need a constant and fuller appreciation of the blessings of opportunity and life that are ours under our free democratic institutions. We need a broader tolerance intensified by a generous respect for one another's religious convictions in accord with the spirit of our history and the institutions of our government—a spirit that first took root in the Baptist colony of Rhode Island, and in the Catholic colony of Maryland, and later was

incorporated into the laws of the State of Virginia, in the Statute of Religious Freedom penned by the immortal hand of Thomas Jefferson.

Our democracy, which has changed our form of government, has likewise changed our social life, our relations one to another, and given us a more hopeful outlook; it has also changed, not lessened but rather intensified, our appreciation of religion, and instead of blind subserviency has given us an intelligent esteem and fuller appreciation of the character and services of our religious leaders.

Radicalism in the United States gets little support from our people, because with awakened intelligence they learn to know that the rights of each consonant with the liberty of all lay at the basis of our system of democracy. All appeals to class feeling, or to sectarianism, as a basis of support or favor in our economic, social and public life, are promptly resented by our people of all creeds as inimical to the spirit of fair play in our democracy, who overwhelm the demagogue and fanatic with contempt and condemnation.

The spirit of bigotry was never more forcefully and authoritatively rebuked than by

President Roosevelt after the last national election, in reply to letters addressed to him during the campaign with a purpose of influencing the election by the writers, some of whom urged against Mr. Taft that he was a Unitarian, and others that members of his family were suspected of being members of the Catholic Church. In his reply, which was widely published in the press of the country, President Roosevelt said:

You stated that the mass of the voters that are not Catholics will not support a man for any office, especially for President of the United States, who is a Roman Catholic. I believe when you say this you foully slander your fellow countrymen. I do not for one moment believe that the mass of our fellow-citizens, or any considerable number of our fellow-citizens, can be influenced by such narrow bigotry as to refuse to vote for any thoroughly upright and fit man because he happens to have a particular religious creed. Such a consideration should never be treated as a reason for either supporting or opposing a candidate for a political office . . . I believe that this Republic will endure for many centuries. If so, there will doubtless be among the Presidents, Protestants and Catholics, and very probably at some time Jews. I have consistently tried, while President, to act in relation to my fellow-Americans of Catholic faith as I hope

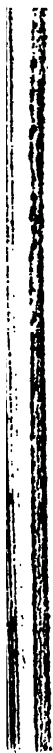
that any future President, who happens to be a Catholic, will act toward his fellow-Americans of Protestant faith.

This, my friends, is the true American doctrine exemplifying the spirit of the founders of our democracy, upon which our Republic was builded and by which alone it can be preserved to shed its continuing blessings upon us and our descendants from generation to generation.



XXI

**WILLIAM LYNE WILSON:
A TRIBUTE**



XXI

WILLIAM LYNE WILSON: A TRIBUTE

WILLIAM LYNE WILSON was born in Jefferson county, Virginia (which is now West Virginia), on May 3, 1843. He died at Lexington, Virginia, on October 17, 1900, in his fifty-eighth year. He was educated at Charlestown Academy and Columbian College, Washington, D. C., where he was graduated in 1860. After graduation Mr. Wilson attended the University of Virginia; but when the war broke out, he enlisted as a private in the Confederate army, and he continued as such until the end. After the war he became professor of Latin in Columbian University, and shortly afterward he married Miss Huntington, daughter of the Greek professor in that University.

When the "iron-clad oath" was repealed in West Virginia, Mr. Wilson returned to Charlestown and there practised law until 1882, when he accepted the presidency of West

Virginia University. Only two weeks after accepting this office, through one of those contingencies that often happen in our political life, he was induced to accept the nomination as the candidate of his party for Congress, and he was elected by a bare majority of nine votes. He continued in Congress for six successive terms until 1895, when, by reason of his conspicuous advocacy of tariff reform and the change of sentiment following that agitation in many parts of the country, he was defeated. As chairman of the Ways and Means Committee of the House of Representatives he framed the law known as the Wilson Bill; but because of the hopeless division of his party, it was mutilated by four hundred amendments, so that, as finally passed, it no longer embodied the principles, but at best only a remnant of the tendency, for which the Democratic Party had contended.

In 1895 he was appointed Postmaster General in President Cleveland's cabinet, and at the expiration of his term he was elected President of Washington and Lee University at Lexington, which office he held when he died.

This is a brief outline of the life of a man who filled every place he held with conspicu-

ous modesty and rare ability. He was known as the Scholar in Politics, since throughout his public career he displayed such scholarly research and thorough understanding of the questions that came up for consideration.

William L. Wilson was a remarkable man, an ideal official; he typified all that is best in American statesmanship—a scholar by inclination, by temperament and by training—a statesman by the breadth, the depth and the soundness of his views, which were never obscured by temporary phases or by party expediency. With his thorough and accurate knowledge of the political development of the country, he possessed the rare faculty of convincing oratory which appealed with suggestive force and power to the minds of his fellow citizens, whether on the stump in his native district or in the halls of Congress, or before public assemblages in many cities. Though he was in the forefront in some of the most hotly contested issues that have agitated political parties during the past twenty years, yet the sweetness of his character and broadness of his views, which reflected themselves in his every utterance, had a charm to elevate even his opponents above the petty wrangles

and bitternesses engendered by party strife. He never said an unkind word, and never did an inconsiderate act. No man ever went from the halls of Congress carrying with him a higher measure of esteem and affection from his colleagues on both sides of the house than William L. Wilson.

This is not the time or place to discuss the correctness of his conclusions on tariff questions; but this much must be said even by those who differed with him, that his philosophical and scholarly arguments have a permanent value for the proper study of the principles that underlie revenue legislation, as well as whether under a democratic government it be just and equitable to levy imposts for purposes of protection as distinguished from the needs for economical administration. He had the statesman's instinct for searching out the fundamental principles of every public question, and the methods and mental qualities of a philosopher to measure those principles by the permanent standards of equity and justice. To the public good, he gave his untiring efforts, and he has enriched the public service by a life's work of high ideals, of broad and constructive statesmanship, and by un-

swerving loyalty and unselfish devotion to public duty, which will enshrine his memory among the foremost scholarly leaders of political thought in our country during the closing years of the nineteenth century.



XXII

**EDWARD MORSE SHEPARD:
A TRIBUTE**



XXII

EDWARD MORSE SHEPARD: A TRIBUTE

EMERSON said of Lord Chatham that those who listened to him always felt there was something higher, nobler, finer, in the man than in anything he said. So it often is with those exceptional and remarkable personages who exert the widest influence upon their surroundings—the largest part of their power is latent, a reserve force. This reserve force few possessed in a higher degree than Edward M. Shepard. It made itself felt not only in his conversation, but also in his public addresses and equally in his writings. This silent power, which was so apparent to those who knew our friend, was the effulgence of his pure, noble, and inspiring character, and of his unswerving devotion to right as God gave him to see the right.

He was a Democrat by tradition, by conviction, and by sympathy with the struggling

masses. In one of his addresses he summed up his political creed in the following words: "The Government should make the least possible demand upon the citizen, and the citizen the least possible demand upon the Government."

While in his life and in his nature he was ever helpful, most generously helpful to others, especially to young men who came to him for advice and guidance, politically in his writings and addresses he continually dwelt upon the independence of citizenship, insisting that the individual should have the pride of self-support and refuse, whether by device or through the power of majorities, to cast his burden upon others.

His highest aim in life was to render service. He was innately modest and retiring, and the principal attraction that public office had for him was the opportunity it afforded to render the greatest possible service to his fellow-men. This fact is evident in his many public addresses, and in his political speeches, many of which were delivered in heated campaigns, and nowhere do we find that he ever descended from principles to personalities; they were, without exception, elevated, free

from invective and personal bitterness; his opponents were never his foes, and with that generosity of temperament which he displayed upon all occasions, he attributed to his opponents the same rectitude of purpose that ever actuated and guided him. His appeals were always to the intellect, and never to the passions or prejudices of his auditors. He was preëminently the scholar and philosopher in politics as in all his public activities. He was never a carping critic, but a leader, instructor and guide. He was ever ready to give his time, his thoughts and his voice, amid the engrossing occupation of an exacting profession, in educating people to a better understanding of their rights and duties under our democratic system of government. He was most tolerant, socially, politically and religiously. His deeply religious and spiritually tolerant attitude of mind was made most apparent in his splendid defense of Dr. Crapsey, who was tried for heresy. His argument will remain as a chapter of light and leading in the ecclesiastical history of our day.

We cannot but regret that he did not give us more from his pen, which wrote the history of Van Buren and his times, which in scholar-

ship, style, and clearness of vision of past political events is a real contribution to our national history and political literature. He took part in many political contests, wherein he won moral victories that will last and will reward his brave and chivalrous efforts with the crown of gratitude for his courageous stand against unrighteous greed and political corruption.

When these buildings were dedicated, I was privileged to take part with Mr. Shepard in the ceremonies, and no one could fail to observe the pleasure and pride he felt in the fulfilment of his long cherished wish to see this great people's college suitably housed and equipped for its high and noble functions. No son of any university gave more of his heart and soul, thought and time to the development of his college than he gave to this, his Alma Mater, not only because it was his Alma Mater, but because it is the people's university of this great metropolitan city, destined to train thousands to useful citizenship.

His devotion to education here and elsewhere will be his living monument. Just as Jefferson directed that there should be inscribed upon his tomb, not his service as a

EDWARD MORSE SHEPARD 371

public officer, as a minister of state, as a diplomat, and as President, but as the founder of the university of his commonwealth, so let the world remember Edward M. Shepard as the guardian of higher education for the masses, the true democrat, the friend of the sons of the people.



XXIII

JOHN HAY: A TRIBUTE

XXIII

JOHN HAY: A TRIBUTE

“ON Fame’s eternal camping-ground” his memory is guarded, and no memorial we can consecrate, no words we may utter, can add to his laurels or to the glory of his achievements. His services to his country are imperishably recorded upon the pages of our national history. Our country has been peculiarly fortunate in the leaders of its policies during its critical periods; the public services of Jefferson, John Quincy Adams, Seward, and Hay mark notable epochs in our foreign relations. Each in his time extended the horizon of our nation’s power and influence, and each interpreted her “manifest destiny” so as to throw additional safeguards around our institutions, and to vitalize the spirit of freedom.

It is at times impossible to understand properly the exceptional achievements and extraordinary lives of some men unless we recog-

nize a Superior Power that guided their genius and their footsteps for the accomplishment of their transcendent tasks. Certainly, Lincoln belonged to this class. The young secretary whom he took with him from Springfield was cast in a more refined and delicate mold than his rugged chief, yet the same spirit that glowed in the great heart of the one, animated with its light and warmth the sympathetic soul of the other. For many years, as the alert and tactful Secretary of Legation in the leading capitals of the old world, John Hay acquired a knowledge of the intricacies of diplomacy and the susceptibilities of European chancelleries, which proved of inestimable value during the seven important and trying years when he held the portfolio of State.

I will not speak of John Hay's distinction as poet, historian, and litterateur; I will only touch in brief outline upon his diplomatic achievements. The cardinal principles of his foreign policy were the Monroe Doctrine and the Golden Rule. In the carrying forward of these principles under the sympathetic guidance of his chiefs—McKinley and Roosevelt—he discarded the traditional diplomatic methods; sincerity and directness characterized all

his negotiations, and the nations soon learned to rely upon his every act and representation with justified confidence. Because of this, without even the instrument of a formal treaty, he secured the "Open Door" and the "Administrative Entity" of China, the partition of which, had it not been arrested, contained the elements of world-wide and world-involving war.

The Venezuela controversy, the Alaska-Boundary contention, and the Clayton-Bulwer Treaty that lay across the path of the Isthmian Canal, he led to equitable and peaceful solution; and he confounded the pessimists and scoffers by injecting life and action into the inanimate body of the newly created world's court, the International Tribunal at The Hague. He was at the helm of the nation's diplomacy, as our country moved through rocks and shoals from comparative obscurity to a position of primacy among the powers of the world. The prestige this acquired power had given he used as it should always be used, for no selfish purposes, and for no narrow ends, but to draw to the attention of nations the duties which their close inter-relations not only justified but necessitated.

